

Introduced by Senator Fuller

February 12, 2013

An act to ~~amend Section 33305~~ *repeal Part 9.2 (commencing with Section 33300) of Division 12 of the Water Code, and to amend Sections 1, 2, 12, and 15 of, to amend and renumber Sections 5, 7, 8, 10, 11, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 42, 48, 50, 52, 53, 53.1, 53.2, and 54 of, to add Sections 8, 10, 11, and 30 to, to repeal Sections 3, 15.1, 15.2, 15.3, 16, 17, 18, 19.5, 21, 22, 36, 40, 41, 45, 46, 49, and 51 of, and to repeal and add Sections 9, 13, and 14 of, the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), relating to water districts.*

LEGISLATIVE COUNSEL'S DIGEST

SB 246, as amended, Fuller. ~~Desert View Water District-Bighorn Mountains~~ *Bighorn-Desert View Water Agency.*

Existing law, the Desert View Water District-Bighorn Mountains Water Agency Consolidation Law, authorized a consolidation between the Desert View Water District and the Bighorn Mountains Water Agency and required a county water district consolidated with the Bighorn Mountains Water Agency to separately account for and use all funds derived from the operation of the former district system exclusively for the purposes of maintenance, operation, betterments, and bond debt service of the acquired system until all debt of the former system has been paid in full or until a majority vote of the electorate, as prescribed, authorizes other expenditures.

Under existing law, the Desert View Water District and the Bighorn Mountains Water Agency consolidated forming the Bighorn-Desert

View Water Agency. Existing law, the Bighorn-Desert View Water Agency Law, grants to the consolidated successor district specified authorizations, powers, and duties and makes a violation of certain regulations and ordinances a misdemeanor.

This bill would ~~instead specify~~ make conforming changes related to the consolidated district and would repeal the provisions under which the consolidation was completed. The bill would revise various provisions relating to the operation of the district, including, but not limited to, specifying procedures for the repayment of bonded indebtedness incurred prior to the consolidation and would prohibit the consolidation from being construed to impair any existing contract consolidation, and eliminating the misdemeanor for ordinance violations and making a violation of certain regulations an infraction instead of misdemeanor, as prescribed.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Part 9.2 (commencing with Section 33300) of*
- 2 *Division 12 of the Water Code is repealed.*
- 3 *SEC. 2. Section 1 of the Bighorn-Desert View Water Agency*
- 4 *Law (Chapter 1175 of the Statutes of 1969), as amended by Section*
- 5 *2 of Chapter 570 of the Statutes of 1989, is amended to read:*
- 6 *Section 1. This act is designated, and may be cited and referred*
- 7 *to as, the “~~Bighorn Mountains~~ “Bighorn-Desert View Water*
- 8 *Agency Law.”*
- 9 *If the ~~Desert View Water District and the Bighorn Mountains~~*
- 10 *Water Agency consolidate, this act shall thereafter be designated,*
- 11 *and may be cited and referred to, by the full name of the*
- 12 *consolidated successor district, followed by the word “Law.”*
- 13 *SEC. 3. Section 2 of the Bighorn-Desert View Water Agency*
- 14 *Law (Chapter 1175 of the Statutes of 1969) is amended to read:*
- 15 *Sec. 2. The ~~Bighorn Mountains~~ Bighorn-Desert View Water*
- 16 *Agency, formed by the consolidation of agencies authorized*
- 17 *pursuant to former Part 9.2 (commencing with Section 33300) of*
- 18 *Division 12 of the Water Code, is hereby created, organized, and*
- 19 *incorporated and shall be managed as herein expressly provided*
- 20 *and may exercise the powers herein expressly granted or*
- 21 *necessarily implied, and may include contiguous or noncontiguous*

1 parcels of both unincorporated and incorporated territory, other
2 than territory included in any public district having identity of
3 purpose or substantial identity of purpose, without the prior consent
4 of such public district, evidenced by a resolution duly adopted by
5 the governing board thereof, territory and shall include all territory
6 lying within the following described boundaries:

7 All that real property situate in the County of San Bernardino,
8 State of California, more particularly described as follows:

9 (a) Township 3 North, Range 4 East, San Bernardino Base and
10 Meridian:

11 Section 7

12 Section 8

13 Section 11

14 South- $\frac{1}{2}$ $\frac{1}{2}$ Section 2

15 Southwest- $\frac{1}{4}$ $\frac{1}{4}$ Section 12

16 Section 13, excluding the North- $\frac{1}{2}$ $\frac{1}{2}$ of the Northeast- $\frac{1}{4}$ $\frac{1}{4}$

17 Section 14

18 Section 15

19 Section 16

20 Section 17

21 East- $\frac{1}{2}$ $\frac{1}{2}$ Section 18

22 Northeast- $\frac{1}{4}$, $\frac{1}{4}$, Northeast- $\frac{1}{4}$, $\frac{1}{4}$, Section 20

23 North- $\frac{1}{2}$ $\frac{1}{2}$ Section 21

24 North- $\frac{1}{2}$ $\frac{1}{2}$ Section 22

25 (b) Township 3 North, Range 5, East, San Bernardino Base and
26 Meridian:

27 ~~South- $\frac{1}{2}$, South- $\frac{1}{2}$, $\frac{1}{2}$, Southwest- $\frac{1}{4}$, $\frac{1}{4}$, Section 4~~

28 Section 8

29 ~~Northwest- $\frac{1}{4}$ and South- $\frac{1}{2}$, Section 9, excluding the Northeast~~
30 ~~$\frac{1}{4}$~~

31 Southwest- $\frac{1}{4}$ $\frac{1}{4}$ Section 10

32 Section 13

33 South- $\frac{1}{2}$ $\frac{1}{2}$ Section 14

34 ~~Northwest- $\frac{1}{4}$ and South- $\frac{1}{2}$, Section 15, excluding the Northeast~~
35 ~~$\frac{1}{4}$~~

36 Section 16

37 Section 17

38 Section 18

39 Section 21

40 Section 22

1 Section 23
 2 ~~Northwest $\frac{1}{4}$, Northwest $\frac{1}{4}$, Section 24~~
 3 ~~West $\frac{1}{2}$ $\frac{1}{2}$ Section 26~~
 4 Section 27
 5 Southeast $\frac{1}{4}$ $\frac{1}{4}$ Section 33
 6 Section 34
 7 ~~Northwest $\frac{1}{4}$ and South $\frac{1}{2}$, Section 35, excluding the Northeast~~
 8 ~~$\frac{1}{4}$~~
 9 *West $\frac{1}{2}$, Northwest $\frac{1}{4}$, Southwest $\frac{1}{4}$, Section 36*
 10 *Northeast $\frac{1}{4}$, Northwest $\frac{1}{4}$, Southwest $\frac{1}{4}$, Section 36*
 11 (c) Township 2 North, Range 5 East, San Bernardino Base and
 12 Meridian:
 13 Section 2
 14 Section 3
 15 Section 10
 16 Section 11
 17 Section 12
 18 *Section 13*
 19 *Section 14*
 20 *Section 15*
 21 *Section 22*
 22 *Section 23*
 23 *Section 26*
 24 *Section 27*
 25 *Section 34*
 26 (d) Township 2 North, Range 6 East, San Bernardino Base and
 27 Meridian:
 28 ~~Section 3~~
 29 ~~Section 4~~
 30 Section 5
 31 Section 6
 32 Section 7, *except certain parcels described as:*
 33 *630-032-04 W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SEC 7 TP 2N R 6E 5 AC*
 34 *630-032-05 E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SEC 7 TP 2N R 6E EX*
 35 *RDS*
 36 *630-032-09 W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SEC 7 TP 2N R 6E EX*
 37 *RD*
 38 *630-032-10 W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SEC 7 TP 2N R 6E EX RD*
 39 *630-032-11 W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SEC 7 TP 2N R 6E EX RD*
 40 *630-032-15 E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SEC 7 TP 2N R 6E 5 AC*

1 630-032-49 W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SEC 7 TP 2N R 6E EX W
 2 100 FT S 422 FT THEREOF AND EX RDS
 3 630-041-26 W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SEC 7 TP 2N R 6E EX
 4 RD MNL RTS AS RESERVED BY USA 5 AC
 5 630-041-30 E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SEC 7 TP 2N R 6E 5 AC
 6 630-041-39 W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SEC 7 TP 2N R 6E 5 AC
 7 630-041-42 N 280 FT W $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SEC 7 TP 2N R
 8 6E EX RD
 9 630-041-54 N 130 FT S 380 FT W $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SEC
 10 7 TP 2N R 6E 5 EX RD
 11 630-041-55 S 250 FT W $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SEC 7 TP 2N R
 12 6E 5 EX RD
 13 630-041-56 N $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SEC 7 TP 2N R 6E
 14 EX RD
 15 630-041-57 S $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SEC 7 TP 2N R 6E
 16 Section 8
 17 Section 9
 18 Section 10
 19 Section 14
 20 Section 16
 21 Section 18, *except certain parcels described as:*
 22 630-021-18 E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SEC 18 TP 2N R 6E EX
 23 RD
 24 630-021-67 N $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SEC 18 TP 2N R 6E
 25 EX S 130 FT W 100 FT E 230 FT THEREOF AND EX MNL RTS
 26 AS RESERVED BY USA EX RDS
 27 West $\frac{1}{2}$ $\frac{1}{2}$, Section 19
 28 Section 22
 29 Section 30
 30 North $\frac{1}{2}$, Northwest $\frac{1}{4}$, Section 31
 31 SEC. 4. Section 3 of the Bighorn-Desert View Water Agency
 32 Law (Chapter 1175 of the Statutes of 1969), as added by Section
 33 3 of Chapter 570 of the Statutes of 1989, is repealed.
 34 Sec. 3. ~~If the Desert View Water District and the Bighorn~~
 35 ~~Mountains Water Agency consolidate, the board of directors of~~
 36 ~~both entities may accept, as a San Bernardino County Local~~
 37 ~~Agency Formation Commission condition of that consolidation,~~
 38 ~~the selection of a different name for the agency. Thereafter, all~~
 39 ~~statutory references to "Bighorn Mountains Water Agency" shall,~~

1 from the effective date of the consolidation, be deemed to refer to
2 the name of the consolidated successor district.

3 *SEC. 5. Section 5 of the Bighorn-Desert View Water Agency*
4 *Law (Chapter 1175 of the Statutes of 1969), as amended by Section*
5 *4 of Chapter 570 of the Statutes of 1989, is amended and*
6 *renumbered to read:*

7 ~~Sec. 5.~~

8 *Sec. 3. The Board of Directors of the Bighorn Mountains*
9 *Bighorn-Desert View Water Agency organized under this act shall*
10 *consist of five members. The Board of Supervisors of San*
11 *Bernardino County shall appoint the first board of directors*
12 *members, each of whom shall be a resident of the agency, and shall*
13 *hold office until his or her successor is elected. All successors of*
14 *the first board shall be elected or chosen at the time and in the*
15 *manner provided in the Uniform District Election Law (Part 4*
16 *(commencing with Section 10500) of Division 10 of the Elections*
17 *Code).*

18 ~~If the Desert View Water District and the Bighorn Mountains~~
19 ~~Water Agency consolidate, the board of directors of the~~
20 ~~consolidated successor district shall consist of five members, in~~
21 ~~accordance with Section 33302 of the Water Code. In that event,~~
22 ~~the San Bernardino County Local Agency Formation Commission~~
23 ~~may, pursuant to Section 56844 of the Government Code, change~~
24 ~~or terminate existing elective terms of the directors of both the~~
25 ~~Desert View Water District and the Bighorn Mountains Water~~
26 ~~Agency in a manner approved by actions of the board of each of~~
27 ~~those entities in their respective applications for formation of a~~
28 ~~consolidated successor district.~~

29 *SEC. 6. Section 7 of the Bighorn-Desert View Water Agency*
30 *Law (Chapter 1175 of the Statutes of 1969) is amended and*
31 *renumbered to read:*

32 ~~Sec. 7.~~

33 *Sec. 4. No person shall vote at any Bighorn Mountains*
34 *Bighorn-Desert View Water Agency election held under the*
35 *provisions of this act who is not a voter within the meaning of the*
36 *Elections Code. For the purpose of registering voters who shall be*
37 *entitled to vote at Bighorn Mountains Water Agency elections, the*
38 *county clerk or registrar of voters is authorized, in any county in*
39 *which there is the Bighorn Mountains Water Agency to indicate*

1 upon the affidavit of registration whether the voter is a voter of
2 the Bighorn Mountains Water Agency.

3 In case the boundary line of the ~~Bighorn Mountains~~
4 *Bighorn-Desert View* Water Agency crosses the boundary line of
5 a county election precinct only those voters within ~~such Bighorn~~
6 ~~Mountains the Bighorn-Desert View~~ Water Agency and within
7 ~~such the~~ precinct who are registered as being voters within the
8 ~~Bighorn Mountains Bighorn-Desert View~~ Water Agency shall be
9 permitted to vote, and for that purpose the county clerk or registrar
10 of voters is hereby empowered to provide two sets of ballots within
11 ~~such these~~ precincts, one containing the names of candidates for
12 office in ~~said Bighorn Mountains the Bighorn-Desert View~~ Water
13 Agency, and the other not containing ~~such the~~ names, and it shall
14 be the duty of the election officers in ~~such these~~ precincts to furnish
15 only those persons registered as voters within ~~such Bighorn~~
16 ~~Mountains the Bighorn-Desert View~~ Water Agency with the ballots
17 upon which are printed the names of the candidates for office in
18 the ~~Bighorn Mountains Bighorn-Desert View~~ Water Agency.

19 *SEC. 7. Section 8 of the Bighorn-Desert View Water Agency*
20 *Law (Chapter 1175 of the Statutes of 1969) is amended and*
21 *renumbered to read:*

22 ~~Sec. 8:~~

23 *Sec. 5.* The provisions of the Elections Code so far as they may
24 be applicable shall govern all general ~~Bighorn Mountains and~~
25 *special Bighorn-Desert View* Water Agency elections ~~and all~~
26 ~~special Bighorn Mountains Water Agency elections~~, except as in
27 ~~this act or otherwise provided in this act.~~

28 *SEC. 8. Section 8 is added to the Bighorn-Desert View Water*
29 *Agency Act (Chapter 1175 of the Statutes of 1969), to read:*

30 *Sec. 8. For attending a meeting of the board of directors, each*
31 *of the members of the board of directors shall receive compensation*
32 *in an amount not to exceed the maximum amount authorized by*
33 *Chapter 2 (commencing with Section 20200) of Division 10 of the*
34 *Water Code.*

35 *SEC. 9. Section 9 of the Bighorn-Desert View Water Agency*
36 *Law (Chapter 1175 of the Statutes of 1969) is repealed.*

37 ~~Sec. 9. The Board of Directors of Bighorn Mountains Water~~
38 ~~Agency shall call and canvass all elections involving matters of~~
39 ~~initiative, recall and referendum and shall call all other elections~~
40 ~~which it is authorized to canvass.~~

1 SEC. 10. Section 9 is added to the Bighorn-Desert View Water
2 Agency Law (Chapter 1175 of the Statutes of 1969), to read:

3 Sec. 9. Any vacancy in the board of directors shall be filled
4 pursuant to Article 2 (commencing with Section 1770) of Chapter
5 4 of Division 4 of Title 1 of the Government Code.

6 SEC. 11. Section 10 of the Bighorn-Desert View Water Agency
7 Law (Chapter 1175 of the Statutes of 1969) is amended and
8 renumbered to read:

9 ~~Sec. 10.~~

10 Sec. 6. Every incumbent of an elective office, whether elected
11 by popular vote for a full term, or chosen by the board of directors
12 to fill a vacancy, is subject to recall by the voters of the ~~Bighorn~~
13 ~~Mountains Bighorn-Desert View Water Agency organized under~~
14 ~~the provisions of this act~~ in accordance with the recall provisions
15 of the Elections Code of the state with reference to cities.

16 SEC. 12. Section 10 is added to the Bighorn-Desert View Water
17 Agency Law (Chapter 1175 of the Statutes of 1969), to read:

18 Sec. 10. By a majority vote of the board of directors, the board
19 shall appoint an attorney, chief engineer, general manager, and
20 auditor, define their duties, and fix their compensations. The
21 attorney, chief engineer, general manager, and auditor each shall
22 serve at the pleasure of the board of directors. A member of the
23 board of directors shall not serve as the appointed attorney, chief
24 engineer, general manager, or auditor.

25 SEC. 13. Section 11 of the Bighorn-Desert View Water Agency
26 Law (Chapter 1175 of the Statutes of 1969) is amended and
27 renumbered to read:

28 ~~Sec. 11.~~

29 Sec. 7. The board of directors shall be the governing body of
30 the ~~Bighorn Mountains Bighorn-Desert View Water Agency. It~~
31 ~~shall hold its first meeting as soon as possible after the appointment~~
32 ~~and certification of the first board of directors; it~~ The board of
33 directors shall, by resolution, provide for the date, time, and place
34 of holding of its meetings. All meetings of the board of directors,
35 whether regular or special, shall be open to the public. A majority
36 of the board of directors shall constitute a quorum for the
37 transaction of business. At its first meeting in the month of January
38 in each even-numbered year, the board of directors shall choose
39 ~~one of from among its members a president, and shall thereupon~~
40 ~~provide for the time and place of holding its meetings and the~~

1 manner in which its special meetings may be called. All legislative
2 sessions of the board of directors whether regular or special shall
3 be open to the public. A majority of the board of directors shall
4 constitute a quorum for the transaction of business. At its first
5 meeting in the month of January of each even-numbered year, the
6 board of directors shall choose one of its members president, vice
7 president, and secretary.

8 *SEC. 14. Section 11 is added to the Bighorn-Desert View Water*
9 *Agency Law (Chapter 1175 of the Statutes of 1969), to read:*

10 *Sec. 11. The general manager shall:*

11 *(a) Have full charge and control of the maintenance, operation,*
12 *and construction of the waterworks of the agency.*

13 *(b) Have full power and authority to employ and discharge all*
14 *employees and assistants at pleasure.*

15 *(c) Prescribe the duties of employees and assistants.*

16 *(d) Fix and alter the compensation of employees and assistants*
17 *subject to approval by the board of directors.*

18 *(e) Perform other duties imposed by the board of directors.*

19 *(f) Report to the board of directors in accordance with rules*
20 *and regulations adopted by the board.*

21 *SEC. 15. Section 12 of the Bighorn-Desert View Water Agency*
22 *Law (Chapter 1175 of the Statutes of 1969), as amended by Section*
23 *2 of Chapter 696 of the Statutes of 1984, is amended to read:*

24 *Sec. 12. The board of directors shall act only by ordinance,*
25 *resolution, or motion. On all ordinances, the roll shall be called*
26 *and the ayes and noes recorded in the journal of the proceedings*
27 *of the board of directors. Resolutions and orders may be adopted*
28 *by voice vote, but, on demand of any member, the roll shall be*
29 *called minute order. No ordinance, motion, or resolution, or minute*
30 *order shall be passed or become effective without the affirmative*
31 *vote of a majority of the members of the board; board. The*
32 *enacting clause of all ordinances passed by the board shall be: "Be*
33 *it ordained by the Board of Directors of the Bighorn Mountains*
34 *Bighorn-Desert View Water Agency as follows:" Except as*
35 *otherwise required by law, ordinances shall be adopted by one of*
36 *the following procedures:*

37 *Each of the members of the board of directors shall receive for*
38 *each attendance at the meetings of the board compensation in an*
39 *amount not to exceed the then current maximum amount which*
40 *may be received by directors of a county water district organized*

1 under Division 12 (commencing with Section 30000) of the Water
2 Code for attendance at meetings of the board of directors. No
3 directors, however, shall receive pay for more than three meetings
4 in any calendar month. A director shall be compensated for a
5 meeting of the board if, at the time of the holding of the meeting,
6 the director is on other business of the district, at the request of
7 the board. Any vacancy in the board of directors shall be filled by
8 a majority of the remaining directors, the person so chosen shall
9 be a resident of, and otherwise qualified to be a director of, the
10 agency and shall hold office for the remainder of the unexpired
11 term.

12 (a) A copy of the full text of the ordinance shall be posted in the
13 office of the agency at least five days prior to the board meeting
14 at which the ordinance is to be amended. Within 21 days after
15 passage of an ordinance, the general manager shall cause the
16 ordinance to be published at least once in a newspaper of general
17 circulation published and circulated within the agency's
18 boundaries and shall cause the ordinance to be posted in at least
19 three public places. An ordinance shall not be published in a
20 newspaper if the charge exceeds the customary rate charged by
21 the newspaper for publication of private legal notices, but
22 summaries of the ordinance shall be published as provided in
23 subdivision (b) or (c).

24 (b) The general manager may cause a summary of the ordinance
25 or amendment to be published at least once in a newspaper of
26 general circulation, and a copy of the full text of the ordinance or
27 amendment shall be posted in the office of the agency at least five
28 days prior to the board meeting at which the ordinance or
29 amendment is to be adopted. Within 15 days after adoption of the
30 ordinance or amendment, the general manager shall cause the
31 ordinance or amendment to be published at least once in a
32 newspaper of general circulation, published, and circulated within
33 the agency's boundaries, and shall cause the ordinance or
34 amendment to be posted in at least three public places.

35 (c) If the general manager determines that it is not feasible to
36 prepare a fair and adequate summary of the ordinance or
37 amendment, the general manager shall cause a display
38 advertisement of the full text of the ordinance or amendment of at
39 least one-sixth of a page to be published in a newspaper of general
40 circulation and a copy of the full text of the ordinance or

1 *amendment to be posted in the office of the agency at least five*
2 *days prior to the board meeting at which the ordinance or*
3 *amendment is to be adopted. Within 21 days after adoption, a*
4 *display advertisement of a similar size shall be published and the*
5 *full text posted in at least three public places.*

6 *SEC. 16. Section 13 of the Bighorn-Desert View Water Agency*
7 *Law (Chapter 1175 of the Statutes of 1969) is repealed.*

8 ~~*Sec. 13. No informality in any proceeding not substantially*~~
9 ~~*affecting adversely the legal rights of any citizen, shall be held to*~~
10 ~~*invalidate the legal existence of said Bighorn Mountains Water*~~
11 ~~*Agency and all proceedings in respect thereto shall be held to be*~~
12 ~~*valid and in every respect legal and incontestable.*~~

13 *SEC. 17. Section 13 is added to the Bighorn-Desert View Water*
14 *Agency Law (Chapter 1175 of the Statutes of 1969), to read:*

15 *Sec. 13. The voters of the Bighorn-Desert View Water Agency*
16 *may pass an initiative in accordance with the methods provided*
17 *by Chapter 3 (commencing with Section 9200) of Division 9 of the*
18 *Elections Code for a city.*

19 *SEC. 18. Section 14 of the Bighorn-Desert View Water Agency*
20 *Law (Chapter 1175 of the Statutes of 1969) is repealed.*

21 ~~*Sec. 14. The board of directors shall at its first meeting, or as*~~
22 ~~*soon thereafter as practicable, appoint by a majority vote a vice*~~
23 ~~*president, secretary, treasurer, attorney, chief engineer, general*~~
24 ~~*manager and auditor, define their duties and fix their compensation,*~~
25 ~~*and each shall serve at the pleasure of the board, and may employ*~~
26 ~~*such additional assistants and employees as they may deem*~~
27 ~~*necessary to efficiently maintain and operate said agency. Said*~~
28 ~~*board may consolidate the office of secretary and treasurer, and*~~
29 ~~*the offices of chief engineer and general manager.*~~

30 *SEC. 19. Section 14 is added to the Bighorn-Desert View Water*
31 *Agency Law (Chapter 1175 of the Statutes of 1969), to read:*

32 *Sec. 14. The voters of the Bighorn-Desert View Water Agency*
33 *may disapprove and thereby veto an ordinance by proceeding in*
34 *accordance with the methods provided by Chapter 3 (commencing*
35 *with Section 9200) of Division 9 of the Elections Code for a*
36 *referendum in a city.*

37 *SEC. 20. Section 15 of the Bighorn-Desert View Water Agency*
38 *Law (Chapter 1175 of the Statutes of 1969), as amended by Section*
39 *1 of Chapter 950 of the Statutes of 1985, is amended to read:*

1 Sec. 15. ~~The Bighorn Mountains~~ *Bighorn-Desert View Water*
2 Agency, which is incorporated as provided in this act may exercise
3 only the powers expressly granted and those necessarily implied
4 by this act, has all of the following powers:

5 1. To have perpetual succession.

6 2. To sue and be sued, ~~except as otherwise provided in this act~~
7 ~~or by law~~, sued in all actions and proceedings in all courts and
8 tribunals of competent jurisdiction.

9 3. To adopt a seal and alter it at pleasure.

10 4. To take by grant, purchase, gift, devise, *condemnation*, or
11 lease, hold, use, enjoy, and to lease, *with or without the privilege*
12 *of purchase, sell*, or dispose of real and personal property of every
13 kind, within or without the ~~Bighorn Mountains Water Agency~~
14 *agency*.

15 5. To acquire, or contract to acquire, waterworks or a waterworks
16 system, waters, water rights, lands, rights and privileges, and
17 construct, maintain, and operate *water wells*, conduits, pipelines,
18 reservoirs, works, machinery, and other property useful or
19 necessary to *produce*, store, convey, supply, or otherwise make
20 use of water for a waterworks plant or system for the benefit of
21 the agency, and to complete, extend, *enlarge*, add to, repair, or
22 otherwise improve any waterworks or waterworks system acquired
23 by it as authorized *the agency*.

24 6. To construct, maintain, improve, and operate public
25 recreational facilities appurtenant to any ~~water reservoir operated~~
26 ~~or contracted to be operated by the Bighorn Mountains Water~~
27 ~~Agency~~, *waterworks* and to ~~provide, by ordinance, provide~~
28 regulations binding upon all persons to govern the use of those
29 facilities, including regulations imposing reasonable charges for
30 the use thereof. Violation of any such regulation is ~~a misdemeanor.~~
31 *an infraction punishable by a fine of not more than three hundred*
32 *dollars (\$300).*

33 7. ~~To lease of and from any person, firm, or public or private~~
34 ~~corporation, or public agency, with the privilege of purchasing or~~
35 ~~otherwise, all or any part of water storage, transportation, or~~
36 ~~distribution facilities, existing waterworks or a waterworks system,~~
37 ~~and to carry on and conduct waterworks or a waterworks system;~~
38 ~~also to sell water under the control of the agency to cities, and to~~
39 ~~other public corporations and public agencies within the agency,~~
40 ~~and to the inhabitants of those cities and of other territory within~~

1 the agency, and to persons, corporations, and other private agencies
2 within the agency for use within the agency without any preference;
3 and it may, whenever the board finds that there is a surplus of
4 water above that which may be required by consumers within the
5 agency, sell or otherwise dispose of surplus water to any persons,
6 firms, public or private corporations or public agencies, or other
7 consumers.

8 *7. To sell water to other public agencies within the*
9 *Bighorn-Desert View Water Agency and to the inhabitants of the*
10 *territory of those public agencies for use within the Bighorn-Desert*
11 *View Water Agency. The Bighorn-Desert View Water Agency may,*
12 *whenever the board of directors finds that there is a surplus of*
13 *water above that which may be required by consumers within the*
14 *Bighorn-Desert View Water Agency, sell or otherwise dispose of*
15 *surplus water to any persons, firms, public or private corporations,*
16 *public agencies, or other consumers.*

17 ~~8. The agency may~~ To supply and deliver water to property not
18 subject to agency taxes at special rates, terms, and conditions as
19 determined by the board ~~for that service of directors.~~

20 ~~9. To exercise the right of eminent domain to take any property~~
21 ~~necessary to supply the agency, or any portion thereof, with water.~~
22 ~~In lieu of compensation and damages for the taking or damaging~~
23 ~~of any public utility facility which is required to be replaced by~~
24 ~~the public utility to provide service to the public equivalent to that~~
25 ~~provided by the facility taken or damaged, the agency shall pay to~~
26 ~~the public utility owning the facility its actual cost incurred to~~
27 ~~replace in kind the facility so taken or damaged, less property~~
28 ~~deductions for depreciation, together with its actual cost incurred~~
29 ~~to rearrange or rehabilitate the facilities of the public utility not~~
30 ~~taken or damaged, but required to be rearranged or rehabilitated~~
31 ~~by reason of the taking or damaging.~~

32 ~~10. To issue bonds, borrow money, and incur indebtedness as~~
33 ~~authorized by law or in this act; also to refund (by the issuance of~~
34 ~~the same obligations following the same procedure) or retire any~~
35 ~~indebtedness or lien that may exist against the agency or property~~
36 ~~thereof; also to issue warrants to pay the formation expenses of~~
37 ~~the agency, which warrants may bear interest at a rate not~~
38 ~~exceeding 6 percent per annum from the date of issue until funds~~
39 ~~are available to pay the warrants, and which formation expenses~~

1 may include fees of attorneys and others employed to conduct the
2 formation proceedings.

3 ~~11. To issue negotiable promissory notes bearing interest at a~~
4 ~~rate not exceeding 7 percent per annum; provided, however, that~~
5 ~~the notes shall be general obligations of the agency payable from~~
6 ~~revenues and taxes in the same manner as bonds of the agency;~~
7 ~~and provided further that the maturity shall not be later than five~~
8 ~~years from the date thereof and that the total aggregate amount of~~
9 ~~the notes outstanding at any one time may be at least equal to~~
10 ~~seventy-five thousand dollars (\$75,000) in the Bighorn Mountains~~
11 ~~Water Agency, but shall not otherwise exceed the lesser of either~~
12 ~~one million five hundred thousand dollars (\$1,500,000) or 3 percent~~
13 ~~of the assessed valuation of the taxable property in the Bighorn~~
14 ~~Mountains Water Agency or, if the assessed valuation is not~~
15 ~~obtainable, 3 percent of the county auditor's estimate of the~~
16 ~~assessed valuation of the taxable property in the agency evidenced~~
17 ~~by his or her certificate. Promissory notes issued pursuant to~~
18 ~~Section 51 may be disregarded in computing the aggregate amount~~
19 ~~of notes that may be issued pursuant to this subdivision.~~

20 ~~12. To cause taxes to be levied, in the manner provided, for the~~
21 ~~purpose of paying any obligation of the agency, including its~~
22 ~~formation expenses and any warrants issued therefor.~~

23 ~~13.~~

24 9. To restrict the use of agency water during any emergency
25 caused by drought, or other threatened or existing water shortage,
26 and to prohibit the wastage of agency water or the *improper* use
27 of agency water during those periods, ~~for any purpose other than~~
28 ~~household uses or such other restricted uses as may be determined~~
29 ~~to be necessary by the agency; to prohibit the use of water during~~
30 ~~those periods for specific uses which the agency may, from time~~
31 ~~to time, find to be nonessential in accordance with Chapter 3~~
32 ~~(commencing with Section 350) of Division 1 of the Water Code.~~

33 ~~14. To prescribe and define, by ordinance, the restrictions,~~
34 ~~prohibitions, and exclusions referred to in subdivision 13 of this~~
35 ~~section. Every ordinance relating to the matters referred to in this~~
36 ~~subdivision shall be in full force and effect immediately upon~~
37 ~~adoption, but shall be published pursuant to Section 6061 of the~~
38 ~~Government Code in full in a newspaper of general circulation,~~
39 ~~printed, published, and circulated in the agency within 10 days~~

1 ~~after adoption or, if there be no such newspaper, shall be posted~~
2 ~~within that time in three public places within the agency.~~

3 ~~15.~~

4 10. To make contracts, employ labor, and do all acts necessary
5 for the full exercise of the above powers.

6 ~~16.~~

7 11. To provide, ~~by ordinance of its board of directors,~~ for the
8 pensioning of officers or employees and the creation of a special
9 fund for the purpose of paying the pensions, and the accumulation
10 of contributions to the fund from the revenues of the agency, the
11 wages of officers or employees, voluntary contributions, gifts,
12 donations, or any source of revenue not inconsistent with the
13 general powers of the board, and to contract with any insurance
14 corporation or any other insurance carrier for the maintenance of
15 a service covering the pension of the officers or employees, and
16 to provide ~~in the ordinance~~ for the terms and conditions under
17 which pensions shall be awarded, and for the time and extent of
18 service of officers or employees before pensions shall be available
19 to them.

20 ~~17.~~

21 12. To acquire, control, distribute, store, spread, sink, treat,
22 purify, reclaim, *capture*, recapture, and salvage any water,
23 including sewage and ~~storm waters~~ *stormwaters*, for the beneficial
24 use and protection of the agency or its inhabitants or the owners
25 of right to water therein.

26 ~~18. Subject to the limitations in subdivision 9 of this section, to~~
27 ~~join with one or more~~

28 13. *To contract with the federal government, the state, any state*
29 *agency, a county, or other public agencies agency, a private*
30 *corporations corporation, or other persons person* for the purpose
31 of carrying out any of the powers of the agency and, for that
32 purpose, to contract with the other public agencies, private
33 corporations, or persons for the purpose of financing acquisitions,
34 constructions, and operations. ~~The contracts may provide for~~
35 ~~contributions to be made by each party thereto and for the division~~
36 ~~and apportionment of the expenses of the acquisitions and~~
37 ~~operations, and the division and apportionment of the benefits, the~~
38 ~~services and products therefrom, and may provide for any agency~~
39 ~~to effect the acquisitions and to carry on the operations, and shall~~
40 ~~provide in the powers and methods of procedure for the agency~~

1 the method by which the agency may contract. The contracts with
2 other public agencies, private corporations, or persons may contain
3 such other and further covenants and agreements as may be
4 necessary or convenient to accomplish the purposes thereof. The
5 term “public agency,” as used in this subdivision, means and
6 includes the United States of America or any department or agency
7 thereof, the State of California or any department or agency thereof,
8 a county, city, public corporation, or other public district of this
9 state. The term “private corporation,” as used in this subdivision,
10 means and includes any private corporation organized under the
11 laws of the United States of America or of this or any other state
12 thereof. Contracts include those made with the United States, under
13 the Federal Reclamation Act of June 17, 1902,¹ and all acts
14 amendatory thereof or supplementary thereto or any other act of
15 Congress previously or hereafter enacted permitting cooperation.
16 Any contract with the United States of America or any department
17 or agency thereof, or with any private corporation organized under
18 the laws of the United States of America, by which the agency, or
19 an improvement district thereof, incurs an indebtedness or liability
20 exceeding in any year the income and revenue for that year shall
21 not be executed without the assent of two-thirds of the qualified
22 electors of the agency, or the improvement district thereof, voting
23 at a special election to be held for that purpose, the election to be
24 called and held, so far as practicable, in the same manner as bond
25 elections for the agency. The exact form of the contract need not
26 be available at the time of the special election, but the (a) purpose
27 of the contract, (b) maximum amount of indebtedness created
28 thereby, (c) maximum term of repayment, and (d) maximum
29 interest rate on the indebtedness shall be known and included in
30 the proposition or measure submitted to the qualified electors of
31 the agency, or the improvement district thereof, at the special
32 election. *These contracts may contain any other and further*
33 *covenants and agreements as may be necessary or convenient to*
34 *accomplish the purposes of the contract.*

35 ~~19.~~

36 14. To commence, maintain, intervene in, defend and
37 compromise, in the name of the agency, or as a class representative
38 of the inhabitants, property owners, taxpayers, or water producers
39 or water users within the agency, or otherwise, and to assume the
40 costs and expenses of any and all actions and proceedings, now

1 or hereafter begun, involving or affecting the ownership or use of
2 water or water rights, used or useful for any purpose, of the agency,
3 or a common benefit to the lands within the agency or its
4 inhabitants.

5 ~~-20.~~

6 15. To commence, maintain, intervene in, defend and
7 compromise, in the name of the agency, or as a class representative
8 of the inhabitants, property owners, taxpayers, water producers or
9 water users within the agency ~~or otherwise~~, and to assume the costs
10 and expenses of any and all actions or ~~proceedings, now or~~
11 ~~hereafter begun~~, *proceedings* to prevent, control, or abate the
12 pollution of water used or useful for any purpose of the agency,
13 or *to protect or provide* a common benefit to lands within the
14 ~~agency~~, *agency* or to the inhabitants of the agency, or *to protect*
15 *or control* any watershed or basin overlain, in whole or in part, by
16 the agency or which contributes *or may contribute* to the water
17 supply of the agency.

18 ~~21. Distribute water to persons in exchange for ceasing or~~
19 ~~reducing groundwater extractions and to fix the terms and~~
20 ~~conditions of any contract under which producers may agree~~
21 ~~voluntarily to use replenishment water from a nontributary source~~
22 ~~in lieu of groundwater, and to that end the agency may become a~~
23 ~~party to such a contract and pay from the agency funds that portion~~
24 ~~of the cost of the replenishment waters that will encourage the~~
25 ~~purchase and use of replenishment water in lieu of pumping so~~
26 ~~long as the persons or property within the agency are directly or~~
27 ~~indirectly benefited by the resulting replenishment.~~

28 22. To issue revenue bonds for any purpose for which general
29 obligation bonds may be issued, and for any purpose for which
30 revenue bonds could be issued under the Revenue Bond Law of
31 19412 or any other law which by its terms is applicable to this
32 agency.

33 ~~23. To use the Improvement Act of 1911 (Division 7~~
34 ~~(commencing with Section 5000) of the Streets and Highways~~
35 ~~Code) for the construction of any facilities authorized to be~~
36 ~~constructed under this act. The powers and duties conferred by the~~
37 ~~Improvement Act of 1911 on the various boards, officers, and~~
38 ~~agents of cities shall be exercised by the respective boards, officers,~~
39 ~~and agents of the Bighorn Mountains Water Agency. In the~~
40 ~~application of the Improvement Act of 1911 to proceedings~~

1 instituted by the Bighorn Mountains Water Agency, the terms used
2 in the Improvement Act of 1911 have the following meanings:

3 (a) ~~“City council” and “council” mean the Board of Directors~~
4 ~~of the Bighorn Mountains Water Agency.~~

5 (b) ~~“Municipality” and “city” mean the Bighorn Mountains~~
6 ~~Water Agency.~~

7 (c) ~~“Clerk” and “city clerk” mean the secretary.~~

8 (d) ~~“Superintendent of streets,” “street superintendent,” and~~
9 ~~“city engineer” mean the chief engineer of the agency.~~

10 (e) ~~“Tax collector” means the county tax collector.~~

11 (f) ~~“Treasurer” and “city treasurer” mean the treasurer of the~~
12 ~~Bighorn Mountains Water Agency.~~

13 (g) ~~“Mayor” means the president of the board of directors of~~
14 ~~the Bighorn Mountains Water Agency.~~

15 (h) ~~“Right-of-way” means any parcel of land in, on, under, or~~
16 ~~through which a right-of-way or easement has been granted to the~~
17 ~~agency for the purpose of constructing and maintaining any works~~
18 ~~or improvements of the Bighorn Mountains Water Agency.~~

19 Any certificates or documents required to be filed or recorded
20 in the office of the superintendent of streets or street superintendent
21 shall be filed and recorded in the office of the secretary of the
22 Bighorn Mountains Water Agency.

23 24. To use the Improvement Bond Act of 1915 (Division 10
24 (commencing with Section 8500) of the Streets and Highways
25 Code) for the construction of any facilities authorized to be
26 constructed under this act. The powers and duties conferred by the
27 Improvement Bond Act of 1915 on the various boards, officers,
28 and agents of cities or counties shall be exercised by the respective
29 boards, officers, and agents of the Bighorn Mountains Water
30 Agency. In the application of the Improvement Bond Act of 1915
31 to proceedings instituted by the agency, the terms used in the
32 Improvement Bond Act of 1915 have the following meanings:

33 (a) ~~“City” means the Bighorn Mountains Water Agency.~~

34 (b) ~~“Clerk” means the secretary of the Bighorn Mountains Water~~
35 ~~Agency.~~

36 (c) ~~“Legislative body” means the Board of Directors of the~~
37 ~~Bighorn Mountains Water Agency.~~

38 (d) ~~“Mayor” means the president of the board of directors of~~
39 ~~the agency.~~

1 ~~(e) “Right-of-way” means any parcel of land in, on, under, or~~
2 ~~through which a right-of-way or easement has been granted to the~~
3 ~~agency for the purpose of constructing and maintaining any works~~
4 ~~or improvements of the agency.~~

5 ~~(f) “Street superintendent,” “superintendent of streets,” and~~
6 ~~“engineer” mean, respectively, the officers or entities designated,~~
7 ~~from time to time, by the board of directors to perform the duties~~
8 ~~imposed on the street superintendent, superintendent of streets,~~
9 ~~and the engineer.~~

10 ~~(g) “Tax collector” and “auditor” mean the county tax collector~~
11 ~~and county auditor, unless otherwise designated by the board of~~
12 ~~directors.~~

13 ~~(h) “Treasurer” means the treasurer of the Bighorn Mountains~~
14 ~~Water Agency, or the county treasurer if so designated by the board~~
15 ~~of directors.~~

16 ~~Any certificates or documents to be filed or recorded in the office~~
17 ~~of the superintendent of streets or street superintendent shall be~~
18 ~~filed and recorded in the office of the secretary of the agency.~~

19 ~~16. To borrow money, incur indebtedness, and issue bonds or~~
20 ~~other evidences of indebtedness at the rate permitted by Article 7~~
21 ~~(commencing with Section 53530) of Chapter 3 of Part 1 of~~
22 ~~Division 2 of Title 5 of the Government Code and to refund or~~
23 ~~retire any indebtedness or lien against the agency or its property.~~

24 ~~17. To issue negotiable promissory notes that shall be general~~
25 ~~obligations of the agency payable from revenues and taxes in the~~
26 ~~same manner as bonds of the agency, at the rate permitted by~~
27 ~~Article 7 (commencing with Section 53530) of Chapter 3 of Part~~
28 ~~1 of Division 2 of Title 5 of the Government Code.~~

29 ~~18. To cause taxes to be levied, in the manner provided by the~~
30 ~~California Constitution and state law, for the purpose of paying~~
31 ~~any obligation of the agency.~~

32 ~~19. To issue improvement bonds in accordance with, and~~
33 ~~pursuant to, the Improvement Act of 1911 (Division 7 (commencing~~
34 ~~with Section 5000) of the Streets and Highways Code), the~~
35 ~~Improvement Bond Act of 1915 (Division 10 (commencing with~~
36 ~~Section 8500) of the Streets and Highways Code), the Municipal~~
37 ~~Improvement Act of 1913 (Division 12 (commencing with Section~~
38 ~~10000) of the Streets and Highways Code), the Refunding~~
39 ~~Assessment Bond Act of 1935 (Chapter 732 of the Statutes of 1935),~~
40 ~~and the Revenue Bond Law of 1941 (Chapter 6 (commencing with~~

1 Section 54300) of Part 1 of Division 2 of Title 5 of the Government
2 Code).

3 ~~25.~~

4 20. To prescribe, ~~by ordinance, a system of~~ revise, and collect
5 water system connection charges and, if deemed appropriate by
6 the board of directors, a refunding mechanism through water rates
7 or pursuant to contract and capacity charges in the manner
8 provided by the California Constitution and state law.

9 21. To record a certificate in the office of the county recorder
10 of any county specifying the amount of unpaid charges for water
11 or other services, plus interest and penalties. From the time of
12 recordation of the certificate, the amount required to be paid,
13 together with interest and penalty, constitutes a lien upon all real
14 property in the county owned by the person or afterwards, and
15 before the lien expires, acquired by the person. The lien shall have
16 the force, priority, and effect of a judgment lien and shall continue
17 for 10 years from the date of the filing of the certificate unless
18 sooner released or otherwise discharged. Within 10 years from
19 the filing of the certificate or within 10 years of the date of the last
20 extension of the lien, the lien may be extended by filing for record
21 a new certificate in the office of the county recorder of any county
22 and from the time of that filing the lien shall be extended to the
23 real property in the county for 10 years unless sooner released or
24 otherwise discharged.

25 22. To construct, operate, and maintain works to develop
26 hydroelectric energy, for use by the agency in the operation of its
27 works or as a means of assisting in financing the construction,
28 operation, and maintenance of its projects for the control,
29 conservation, diversion, and transmission of water, and to enter
30 into contracts for the sale of this energy.

31 23. To contract for the sale of the right to use falling water for
32 electric energy purposes with any public agency or private entity
33 engaged in the retail distribution of electric energy.

34 24. To prosecute an action to determine the validity of any bonds,
35 warrants, promissory notes, contracts, or other evidences of
36 indebtedness, including those of the kind authorized by paragraphs
37 16, 17, and 19, brought pursuant to Chapter 9 (commencing with
38 Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

39 25. In addition to the powers granted in this section, the agency
40 may exercise all powers previously or hereafter granted to or

1 *possessed by county water districts organized and governed under*
 2 *the County Water District Law (Division 12 (commencing with*
 3 *Section 30000) of the Water Code) to finance the acquisition of,*
 4 *and to acquire, waterworks and waterworks systems, waters, water*
 5 *rights, lands, rights, or privileges, and may exercise all those*
 6 *powers to fund construction, maintenance, or operation of*
 7 *waterworks and waterworks systems.*

8 *SEC. 21. Section 15.1 of the Bighorn-Desert View Water*
 9 *Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.*

10 ~~Sec. 15.1. The agency shall have the power to construct, operate~~
 11 ~~and maintain works to develop hydroelectric energy, for use by~~
 12 ~~the agency in the operation of its works or as a means of assisting~~
 13 ~~in financing the construction, operation and maintenance of its~~
 14 ~~projects for the control, conservation, diversion and transmission~~
 15 ~~of water and to enter into contracts for the sale of such energy for~~
 16 ~~a term not to exceed 50 years. Such energy may be marketed only~~
 17 ~~at wholesale to any public agency or private entity, or both, or the~~
 18 ~~federal or state government.~~

19 *SEC. 22. Section 15.2 of the Bighorn-Desert View Water*
 20 *Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.*

21 ~~Sec. 15.2. In connection with the construction and operation~~
 22 ~~of the works of the agency, the agency shall have the power to~~
 23 ~~contract for the sale of the right to use falling water for electric~~
 24 ~~energy purposes with any public agency or private entity engaged~~
 25 ~~in the retail distribution of electric energy, for a term not to exceed~~
 26 ~~50 years.~~

27 *SEC. 23. Section 15.3 of the Bighorn-Desert View Water*
 28 *Agency Law (Chapter 1175 of the Statutes of 1969), as amended*
 29 *by Section 5 of Chapter 570 of the Statutes of 1989, is repealed.*

30 ~~Sec. 15.3. In addition to the powers granted in Section 15, the~~
 31 ~~agency may exercise all powers previously or hereafter granted to~~
 32 ~~or possessed by county water districts organized and governed~~
 33 ~~under the County Water District Law (Division 12 (commencing~~
 34 ~~with Section 30000) of the Water Code) to finance the acquisition~~
 35 ~~of waterworks or waterworks systems, waters, water rights, lands,~~
 36 ~~rights or privileges, and may exercise all those powers to fund~~
 37 ~~construction, maintenance, or operation of new waterworks systems~~
 38 ~~constructed after January 1, 1986.~~

39 ~~The board of directors may, with respect to any improvement,~~
 40 ~~assessment, special tax, or taxation district or area originally~~

1 formed or existing under the County Water District Law, continue
2 to exercise all of the powers held by a board organized under that
3 law to fund, set, levy, or collect moneys, taxes, fees, or assessments
4 reasonably required to be raised and collected from the
5 improvement, assessment, special tax, or taxation district or area.

6 *SEC. 24. Section 16 of the Bighorn-Desert View Water Agency*
7 *Law (Chapter 1175 of the Statutes of 1969), as amended by Section*
8 *176 of Chapter 1128 of the Statutes of 1984, is repealed.*

9 *Sec. 16. All powers, privileges and duties vested in or imposed*
10 *upon the Bighorn Mountains Water Agency incorporated hereunder*
11 *shall be exercised and performed by and through the board of*
12 *directors; provided, however, that the exercise of any and all*
13 *executive, administrative and ministerial powers may be by said*
14 *board of directors delegated and redelegated to any of the officers*
15 *created hereby and by the board of directors acting hereunder.*

16 The board of directors shall have the power:

17 (1) To fix the time and place or places at which its regular
18 meetings shall be held, and shall provide for the calling and holding
19 of special meetings.

20 (2) To fix the location of the principal place of business of the
21 agency and the location of all offices and departments maintained
22 hereunder.

23 (3) To prescribe by ordinance a system of business
24 administration and to create any and all necessary offices and to
25 establish and reestablish the powers and duties and compensation
26 of all officers and employees and to require and fix the amount of
27 all official bonds necessary for the protection of the funds and
28 property of the agency.

29 (4) To prescribe by ordinance a system of civil service.

30 (5) To delegate and redelegate by ordinance to officers of the
31 agency power to employ clerical, legal, and engineering assistants
32 and labor, and under such conditions and restrictions as shall be
33 fixed by the directors, power to bind the agency by contract.

34 (6) To prescribe a method of auditing and allowing or rejecting
35 claims and demands.

36 (7) To fix the rates at which water should be sold, and to
37 establish different rates for different classes or conditions of
38 service; provided, that rates shall be uniform for like classes or
39 conditions of service throughout the agency, but any special water
40 rate fixed in accordance with terms and conditions of annexation;

1 shall be deemed to be a rate for a different class or condition of
2 service.

3 *SEC. 25. Section 17 of the Bighorn-Desert View Water Agency*
4 *Law (Chapter 1175 of the Statutes of 1969) is repealed.*

5 *Sec. 17.* A finding by the board of directors upon the existence,
6 threat, or duration of an emergency or shortage of water or upon
7 the matter of necessity or any other matter or condition referred
8 to in subdivisions 13 or 14 of Section 15 of this act, shall be made
9 by resolution or ordinance, and shall be prima facie evidence of
10 the fact or matter so found, and such fact or matter shall be
11 presumed to continue unchanged unless and until a contrary finding
12 shall have been made by the board by resolution or ordinance.
13 Such finding shall be received in evidence in any civil or criminal
14 proceeding in which it may be offered, and shall be proof and
15 evidence of the fact or matter found until rebutted or overcome by
16 other sufficient evidence received in such proceeding. Copy of
17 any resolution or ordinance setting forth such finding shall, when
18 certified by the secretary of the agency, be evidence that the finding
19 was made by the agency as shown by the resolution or ordinance
20 and certification.

21 *SEC. 26. Section 18 of the Bighorn-Desert View Water Agency*
22 *Law (Chapter 1175 of the Statutes of 1969) is repealed.*

23 *Sec. 18.* From and after the publication or posting of any
24 ordinance as provided in subdivision 14 of Section 15 of this act,
25 it is hereby declared to be and it shall be a misdemeanor for any
26 person, firm or corporation to use or apply water received from
27 the agency contrary to or in violation of such restriction or
28 prohibition, until such ordinance shall have been repealed or such
29 emergency or threatened emergency shall have ceased, and upon
30 conviction thereof such person, firm or corporation shall be
31 punished by being imprisoned in the county jail for not more than
32 30 days or by fine of not more than three hundred dollars (\$300);
33 or by both such fine and imprisonment.

34 *SEC. 27. Section 19.5 of the Bighorn-Desert View Water*
35 *Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.*

36 *Sec. 19.5.* An action to determine the validity of any contract
37 authorized by paragraph 19 of Section 15 may be brought pursuant
38 to Chapter 9 (commencing with Section 860) of Title 10 of Part 2
39 of the Code of Civil Procedure.

1 SEC. 28. *Section 21 of the Bighorn-Desert View Water Agency*
2 *Law (Chapter 1175 of the Statutes of 1969) is repealed.*

3 ~~Sec. 21. The president, vice president and secretary in addition~~
4 ~~to the respective duties imposed on them by law shall perform~~
5 ~~such duties as may be imposed on them by the board of directors.~~
6 ~~The treasurer, or such other person or persons as may be authorized~~
7 ~~by the board of directors, shall draw checks or warrants to pay~~
8 ~~demands when such demands shall have been audited and approved~~
9 ~~in the manner prescribed by the board of directors.~~

10 ~~If the president is absent or unable to act, the vice president shall~~
11 ~~exercise the powers of the president granted by this act.~~

12 ~~The general manager shall have full charge and control of the~~
13 ~~maintenance, operation and construction of the waterworks or~~
14 ~~waterworks system of the agency with full power and authority to~~
15 ~~employ and discharge all employees and assistants at pleasure,~~
16 ~~prescribe their duties, fix their compensation, subject to the~~
17 ~~approval of the board of directors.~~

18 ~~The general manager shall perform such duties as may be~~
19 ~~imposed on him by the board of directors. The general manager~~
20 ~~shall report to the board of directors in accordance with such rules~~
21 ~~and regulations as they may direct.~~

22 ~~The chief engineer shall be the engineering adviser of the agency~~
23 ~~and shall perform such other duties as may be prescribed by the~~
24 ~~board of directors.~~

25 ~~The attorney shall be the legal adviser of the agency and shall~~
26 ~~perform such other duties as may be prescribed by the board of~~
27 ~~directors.~~

28 ~~The board of directors shall designate a depository or depositories~~
29 ~~to have the custody of the funds of the agency, all of which~~
30 ~~depositories shall give security sufficient to secure the agency~~
31 ~~against possible loss, and who shall pay the warrants drawn by the~~
32 ~~treasurer for demands against the agency under such rules as the~~
33 ~~directors may prescribe.~~

34 ~~The general manager, secretary and treasurer, and all other~~
35 ~~employees or assistants of said agency who may be required so to~~
36 ~~do by the board of directors, shall give such bonds to the agency~~
37 ~~conditioned for the faithful performance of their duties as the board~~
38 ~~of directors from time to time may provide. The premiums on such~~
39 ~~bonds shall be paid by the agency.~~

1 *SEC. 29. Section 22 of the Bighorn-Desert View Water Agency*
2 *Law (Chapter 1175 of the Statutes of 1969) is repealed.*

3 ~~Sec. 22. The board of directors shall have power to construct~~
4 ~~works along and across any stream of water, watercourse, street,~~
5 ~~avenue, highway, canal, ditch or flume, or across any railway~~
6 ~~which the route of said works may intersect or cross; provided,~~
7 ~~such works are constructed in such manner as to afford security~~
8 ~~for life and property, and said board of directors shall restore the~~
9 ~~crossings and intersections to their former state as near as may be,~~
10 ~~or in a manner not to have impaired unnecessarily their usefulness.~~
11 ~~Every company whose right-of-way shall be intersected or crossed~~
12 ~~by said works shall unite with said board of directors in forming~~
13 ~~said intersections and crossings and grant the rights therefor. The~~
14 ~~right-of-way is hereby given, dedicated and set apart to locate,~~
15 ~~construct and maintain such works along and across any street or~~
16 ~~public highway and over and through any of the lands which are~~
17 ~~now or may be the property of this state, and to have the same~~
18 ~~rights and privileges appertaining thereto as have been or may be~~
19 ~~granted to cities within the state. Any use, under this section, of a~~
20 ~~public highway now or hereafter constituted a state highway shall~~
21 ~~be subject to the provisions of Chapter 3 of Division 1 of the Streets~~
22 ~~and Highways Code.~~

23 *SEC. 30. Section 23 of the Bighorn-Desert View Water Agency*
24 *Law (Chapter 1175 of the Statutes of 1969), as amended by Section*
25 *12 of Chapter 104 of the Statutes of 1970, is amended and*
26 *renumbered to read:*

27 ~~Sec. 23.~~

28 *Sec. 16. All claims for money or damages against this the*
29 *agency are governed by Part 3 (commencing with Section 900)*
30 *and Part 4 (commencing with Section 940) of Division 3.6 of Title*
31 *1 of the Government Code, except as provided therein, or by other*
32 *statutes or regulations expressly applicable thereto.*

33 *SEC. 31. Section 25 of the Bighorn-Desert View Water Agency*
34 *Law (Chapter 1175 of the Statutes of 1969) is amended and*
35 *renumbered to read:*

36 ~~Sec. 25.~~

37 *Sec. 17. The board of directors, so far as practicable, in*
38 *compliance with the applicable provisions of the California*
39 *Constitution and state law, shall fix such rate or rates for water in*
40 *the agency and in each improvement district therein as will result*

1 in revenues which will pay the operating expenses of the agency,
2 and the improvement district, provide for repairs and depreciation
3 of works, provide a reasonable surplus for *replacements*,
4 improvements, extensions, and enlargements, pay the interest on
5 any ~~bonded~~ debt, and provide a sinking or other fund for the
6 payment of the principal of such debt as it may become due. Said
7 rates for water in each improvement district may vary from the
8 rates of the agency and from other improvement districts therein.

9 *SEC. 32. Section 26 of the Bighorn-Desert View Water Agency*
10 *Law (Chapter 1175 of the Statutes of 1969) is amended and*
11 *renumbered to read:*

12 ~~Sec. 26.~~

13 *Sec. 19.* If the revenues of the agency, or any improvement
14 district therein, will be inadequate for any cause to pay the
15 operating expenses of the agency, provide for repairs and
16 depreciation of works owned or operated by it, and to meet all
17 obligations of the agency, including *payment of principal of* or
18 interest on any ~~bonded~~ debt of the agency; or any improvement
19 district thereof, as it becomes due, then the board of directors of
20 ~~this the agency—must~~ shall provide, in accordance with the
21 *provisions of the California Constitution and state law*, for the
22 levy and collection of a *special* tax sufficient to raise the amount
23 of money determined by ~~such the~~ board of directors to be necessary
24 for the purpose of paying ~~such charges and the expenses, as well~~
25 ~~as providing in addition to~~ the funds required under Section ~~25~~ 17
26 of this act.

27 *SEC. 33. Section 27 of the Bighorn-Desert View Water Agency*
28 *Law (Chapter 1175 of the Statutes of 1969) is amended and*
29 *renumbered to read:*

30 ~~Sec. 27.~~

31 *Sec. 20.* The board of directors shall determine the amounts
32 necessary to be raised by taxation during the fiscal year and shall
33 fix the rate or rates of tax to be levied which will raise the amounts
34 of money required by the agency, ~~and within~~ by continuing to
35 impose any *ad valorem* taxes or any other special taxes, or by
36 levying assessments, in accordance with the provisions of the
37 California Constitution and state law. Subject to Section 4 of
38 Article XIII C of the California Constitution, the agency may impose
39 new special taxes in accordance with Article 3.5 (commencing
40 with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title

1 *5 of the Government Code. Within a reasonable time*~~previous to~~
2 ~~the time when~~ *before* the board of supervisors is required by law
3 to fix its tax rate, the board of directors shall certify to the board
4 of supervisors the rate or rates so fixed and shall furnish to the
5 board of supervisors a statement in writing containing the
6 following: (a) an estimate of the minimum amount of money
7 required to be raised by taxation during the fiscal year for the
8 payment of the principal of and interest on any ~~bonded~~ debt of the
9 agency, or of an improvement district thereof, as will become due
10 before the proceeds of a tax levied at the next general tax levy will
11 be available; (b) an estimate of the minimum amount of money
12 required to be raised by taxation during the fiscal year for all other
13 purposes of the agency. The board of directors shall direct ~~that~~, at
14 the time and in the manner required by law for the levying of taxes
15 for county purposes, ~~such~~ *the* board of supervisors ~~shall levy to~~
16 ~~collect~~, in addition to ~~such~~ *any* other tax as may be levied by ~~such~~
17 ~~the~~ board of supervisors, at the rate or rates so fixed and determined
18 by the board of directors, a tax upon the property within the agency,
19 or improvement district thereof benefited by the ~~bonded~~ debt, as
20 the case may be, ~~and it is made the duty of the officer or body~~
21 ~~having authority to levy taxes within each county to levy the tax~~
22 ~~so required be~~. Taxes for the payment of the interest on or principal
23 of any ~~bonded debts~~ *debt* shall be levied on the property within
24 the agency, or improvement district thereof, benefited by the
25 ~~bonded~~ debt, as determined by the board of directors in the
26 resolution declaring the necessity to incur the debt. Taxes for other
27 purposes of the agency shall be levied on all property in the *agency*
28 *or improvement* district or portion thereof subject to the particular
29 tax. ~~And it~~ *It* shall be the duty of all county officers charged with
30 the duty of collecting taxes to collect such tax in *the* time, form,
31 and manner as county taxes are collected, and when collected to
32 pay the same to the agency. Taxes for the payment of a ~~bonded~~
33 debt and the interest thereon shall be a lien on all the property
34 benefited thereby as stated in the resolution of the board of
35 directors declaring the necessity to incur the debt. All taxes for
36 other purposes of the agency shall be a lien on all the property in
37 the agency subject to the respective tax. Agency taxes, whether
38 for payment of a ~~bonded~~ indebtedness and the interest thereon or
39 for other purposes, shall be of the same force and effect as other
40 liens for taxes, and their collection may be enforced by the same

1 means as provided for the enforcement of liens for state and county
2 taxes.

3 *SEC. 34. Section 28 of the Bighorn-Desert View Water Agency*
4 *Law (Chapter 1175 of the Statutes of 1969) is amended and*
5 *renumbered to read:*

6 ~~Sec. 28.~~

7 *Sec. 21. (a) Whenever the board of directors—~~deem~~ deems it*
8 *necessary for the agency to incur a bonded indebtedness for the*
9 *acquisition, construction, completion, replacement, or repair of*
10 *any or all improvements, works, or property mentioned in this act,*
11 *the board shall, by resolution, so declare and call an election to be*
12 *held in—~~said~~ the agency for the purpose of submitting to the*
13 *qualified voters thereof the proposition of incurring indebtedness*
14 *by the issuance of bonds of—~~said~~ the agency. ~~Said~~ The resolution*
15 *shall state: (a) the state all of the following:*

16 *(1) The purpose for which the proposed debt is to be incurred,*
17 *which may include expenses of all proceedings for the*
18 *authorization, issuance, and sale of the bonds; (b) the bonds.*

19 *(2) The amount of debt to be incurred; (c) the incurred.*

20 *(3) The maximum term the bonds proposed to be issued shall*
21 *run before maturity, which shall not exceed 40 years; (d) the years.*

22 *(4) The maximum rate of interest to be paid, which shall not*
23 *exceed 7 percent per annum; the rate permitted by Article 7*
24 *(commencing with Section 53530) of Chapter 3 of Part 1 of*
25 *Division 2 of Title 5 of the Government Code, which shall be*
26 *payable semiannually, except that interest for the first year may*
27 *be payable at the end of—~~said~~ year; (e) the year or payable on a*
28 *fixed or variable basis, on the dates specified in the resolution.*

29 *(5) The measure to be submitted to the voter; (f) the voters.*

30 *(6) The date upon which an election shall be held for the purpose*
31 *of authorizing—~~said~~ the bonded indebtedness to be incurred; and*
32 *(g) the designation of precincts, the location of polling places, and*
33 *the names of the officers selected to conduct the election, who*
34 *shall consist of one judge, one inspector and two clerks in each*
35 *precinct. The incurred.*

36 *(b) The board of directors shall provide for holding—~~such~~ the*
37 *special election on the—~~day~~ so date fixed and in accordance with*
38 *the applicable provisions of the Elections Code—~~so far as the same~~*
39 *shall be applicable, except as herein otherwise provided. Notice*
40 *of the holding of—~~such~~ the election shall be given by publishing*

pursuant to Section 6066 of the Government Code the resolution calling the election, the last publication to be made not less than two weeks prior to the date of the proposed election, in at least one newspaper published in ~~such~~ the agency, if there is a newspaper published in the agency, ~~then such~~ and the resolution shall be posted in three public places in ~~such~~ the agency not less than two weeks prior to the date of the proposed election. No other notice of ~~such~~ the election need be given. The returns of ~~such~~ the election shall be made, the votes canvassed by said board of directors within ~~seven days following said election~~, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code, so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of ~~such~~ the board a statement of ~~such~~ the results. No irregularities or informalities in conducting ~~such~~ the election shall invalidate the ~~same result~~, if the election ~~shall have~~ has otherwise been fairly conducted.

~~Any~~

(c) Any action or ~~proceeding, wherein~~ proceeding contesting, questioning, or denying the validity of ~~any such~~ these bonds, or of the proceedings in relation thereto is contested, questioned or denied to these bonds, shall be commenced within ~~three months~~ 30 days from the date of ~~such election~~; otherwise, said the election, or the bonds and all proceedings in relation thereto to these bonds shall be held to be valid and in every respect legal and incontestable.

SEC. 35. Section 29 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

~~Sec. 29.~~

Sec. 22. (a) Whenever the board of directors deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion, replacement, or repair of any or all improvements, works, or property mentioned in this act and to provide for ~~such~~ that bonded indebtedness to be payable from taxes levied upon less than all of the agency, the board shall, by resolution, so declare and state: (a) the state all of the following:

(1) The purpose for which the proposed debt is to be incurred; (b) the incurred.

1 (2) *The* amount of debt to be incurred, which may include
2 expenses of all proceedings for the authorization, issuance, and
3 the sale of the ~~bonds~~; ~~(e) that bonds.~~

4 (3) *That* the board intends to form an improvement district of
5 a portion of the agency which in the opinion of the board will be
6 benefited, the exterior boundaries of which portion are set forth
7 on a map on file with the secretary of the agency, which map shall
8 govern for all details as to the extent of the proposed improvement
9 district, and to call an election in ~~such~~ *that* proposed improvement
10 district on a date to be fixed, for the purpose of submitting to the
11 qualified voters thereof the proposition of incurring indebtedness
12 by the issuance of bonds of the agency for ~~said~~ *that* improvement
13 ~~district~~; ~~(d) that district.~~

14 (4) *That* taxes for the payment of ~~said~~ *the* bonds and the interest
15 thereon shall be levied exclusively upon the taxable property in
16 the improvement ~~district~~; ~~(e) that district.~~

17 (5) *That* a general description of the proposed ~~improvement,~~
18 *improvements*, together with a map showing the exterior boundaries
19 of ~~said~~ *the* proposed improvement district with relation to the
20 territory immediately contiguous thereto and to the proposed
21 ~~improvement~~ *improvements*, is on file with the secretary of the
22 agency and is available for inspection by any person or persons
23 ~~interested~~; ~~(f) the interested.~~

24 (6) *The* time and place for a hearing by the board on the
25 ~~questions~~ *question* of the formation of ~~said~~ *the* proposed
26 improvement district, the extent thereof, the proposed ~~improvement~~
27 *improvements* and the amount of debt to be ~~incurred~~; and ~~(g) that~~
28 *incurred.*

29 (7) *That* at the time and place specified in the resolution any
30 person interested, including all persons owning property in the
31 agency or in the proposed improvement district, will be ~~heard.~~
32 *Notice heard.*

33 (b) *Notice* of ~~said~~ *the* hearing shall be given by publishing a
34 copy of the resolution pursuant to Section 6066 of the Government
35 Code prior to the time fixed for the hearing in a newspaper printed
36 and published in the agency, if there is a newspaper printed and
37 published in ~~such~~ *the* agency. ~~Such~~ *This* notice shall also be given
38 by posting a copy of ~~said~~ *the* resolution in ~~six~~ *three* public places
39 within the proposed improvement district at least two weeks before
40 the time fixed for ~~said~~ *the* hearing.

At

(c) ~~At the time and place so fixed for the hearing, or at any time and place to which the hearing it is adjourned, the board shall proceed with the hearing. At the hearing, any person interested, including any person owning property within the agency or within any proposed improvement district, may appear and present any matters material to the questions set forth in the resolution declaring the necessity for incurring the bonded indebtedness. The board shall have the power to change the purpose for which the proposed debt is to be incurred, or the amount of bonded debt to be incurred, or the boundaries of said the proposed improvement district, or one or all of said matters any combination of these; provided, however, that said the board shall not change such the boundaries so as to include any territory which that will not, in its judgment, be benefited by said the improvement.~~

The

(d) ~~The purpose, amount of bonded debt, or boundaries shall not be changed by said the board except after notices of its intention to do so, given by publication pursuant to Section 6061 of the Government Code in a newspaper printed and published in said Bighorn Mountains the Bighorn-Desert View Water Agency, if there is a newspaper printed and published in such the agency, and by posting in six three public places within said the proposed improvement district. Said The notice shall state the changed purpose and debt proposed and that the exterior boundaries as proposed to be changed are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and specify the time and place for hearing on such the change, which time shall be at least 10 days after publication or posting of said the notice. At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the agency or the proposed improvement district, may appear and present any matters material to the changes stated in the notice. At the conclusion of the hearing, the board shall, by resolution, determine whether it is deemed necessary to incur the bonded indebtedness, and, if so, the resolution shall also state the purpose for which said the proposed debt is to be incurred, the amount of the proposed debt, that the exterior boundaries of the~~

1 portion of the agency ~~which~~ *that* will be benefited are set forth on
2 a map on file with the secretary of the agency which map shall
3 govern for all details as to the extent of the improvement district,
4 and that ~~said~~ *the* portion of the agency set forth on ~~said~~ *the* map
5 shall thereupon constitute and be known as “Improvement District
6 No. ... of ~~Bighorn Mountains~~ *Bighorn-Desert View* Water Agency,”
7 and the determinations made in ~~said~~ *the* resolution shall be final
8 and conclusive. After the formation of ~~such~~ *an* improvement district
9 within the ~~Bighorn Mountains~~ *Bighorn-Desert View* Water Agency
10 pursuant to this section, all proceedings for the purpose of a bond
11 election shall be limited, and shall apply only to the improvement
12 district, and taxes for the payment of ~~said~~ *the* bonds and the interest
13 thereon shall be levied exclusively upon the taxable property in
14 the improvement district.

15 ~~After~~

16 *(e) After* the board has made its determination of the matters
17 required to be determined by ~~said~~ *the* last mentioned resolution,
18 and if the board deems it necessary to incur the bonded
19 indebtedness, the board shall by a further resolution call a special
20 election in ~~said~~ *the* improvement district for the purpose of
21 submitting to the qualified voters thereof the proposition of
22 incurring indebtedness by the issuance of bonds of the agency for
23 ~~said~~ *the* improvement district. ~~Said~~ *The* resolution shall state: ~~(a)~~
24 ~~that state all of the following:~~

25 *(1) That* the board deems it necessary to incur the bonded
26 ~~indebtedness; (b) the indebtedness.~~

27 *(2) The* purpose for which the bonded indebtedness will be
28 ~~incurred; (c) the incurred.~~

29 *(3) The* amount of debt to be ~~incurred; (d) the incurred.~~

30 *(4) The* improvement district to be benefited by ~~said~~ *the*
31 indebtedness, as set forth in the resolution making determinations,
32 and that a map showing the exterior boundaries of ~~said~~ *the*
33 improvement district is on file with the secretary of the agency,
34 which map shall govern for all details as to the extent of the
35 improvement district; ~~(e) that district.~~

36 *(5) That* taxes for the payment of ~~such~~ *the* bonds and the interest
37 thereon shall be levied exclusively upon the taxable property in
38 ~~said~~ *the* improvement district; ~~(f) the district.~~

39 *(6) The* maximum term the bonds proposed to be issued shall
40 run before maturity, which shall not exceed 40 ~~years; (g) the years.~~

1 (7) *The* maximum rate of interest to be paid, which shall not
2 exceed ~~7 percent per annum~~, *the rate permitted by Article 7*
3 *(commencing with Section 53530) of Chapter 3 of Part 1 of*
4 *Division 2 of Title 5 of the Government Code*, payable
5 semiannually, except that interest for the first year may be payable
6 at the end of the ~~said year~~; ~~(h) the year or payable on a fixed or~~
7 *variable basis, on dates specified in the resolution.*

8 (8) *The* measure to be submitted to the ~~voters~~; ~~(i) the voters.~~

9 (9) *The* date upon which an election shall be held for the purpose
10 of authorizing ~~said the~~ bonded indebtedness to be ~~incurred~~; and
11 ~~(j) the designation of precincts, the location of polling places, and~~
12 ~~the names of the officers selected to conduct the election, who~~
13 ~~shall consist of one judge, one inspector and two clerks in each~~
14 ~~precinct incurred.~~

15 ~~The~~

16 (f) *The* board of directors shall provide for holding ~~such the~~
17 special election on the day so fixed and in accordance with the
18 provisions of the Elections Code ~~so far as the same shall be, as~~
19 applicable, except as herein otherwise provided. Notice of the
20 holding of ~~such the~~ election shall be given by publishing pursuant
21 to Section 6066 of the Government Code the resolution calling the
22 election prior to the date of the proposed election in at least one
23 newspaper printed and published in the agency, if there is a
24 newspaper printed and published in ~~such the~~ agency. ~~Such The~~
25 resolution shall also be posted in three public places in ~~such the~~
26 improvement district not less than two weeks prior to the date of
27 the proposed election. No other notice of ~~such the~~ election need
28 be given.

29 ~~The~~

30 (g) *The* returns of ~~such the~~ election shall be made, the votes
31 canvassed by ~~said board of directors within seven days following~~
32 ~~said election~~, *canvassed*, and the results thereof ascertained and
33 declared in accordance with the provisions of the Elections Code
34 so far as they may be ~~applicable, except as in this act otherwise~~
35 ~~provided applicable.~~ The secretary of the board of directors, as
36 soon as the result is declared, shall enter in the records of ~~such the~~
37 board a statement of ~~such the~~ results. No irregularities or
38 informalities in conducting ~~such the~~ election shall invalidate ~~the~~
39 ~~same it~~, if the election shall have otherwise been fairly conducted.

40 ~~Any~~

1 (h) Any action or ~~proceeding, wherein proceeding~~ contesting,
2 questioning, or denying the validity of the formation of the
3 improvement district ~~or, of any such~~ the bonds, or of the
4 proceedings in relation thereto ~~is contested, questioned or denied,~~
5 to the bonds shall be commenced within ~~three months~~ 30 days
6 from the date of such ~~election; otherwise, said election, or the~~
7 bonds and all proceedings in relation ~~thereto to the bonds~~, including
8 the formation of the improvement district, shall be held to be valid
9 and in every respect legal and incontestable.

10 SEC. 36. *Section 30 of the Bighorn-Desert View Water Agency*
11 *Law (Chapter 1175 of the Statutes of 1969) is amended and*
12 *renumbered to read:*

13 ~~Sec. 30.~~

14 Sec. 23. (a) Any portion of the ~~Bighorn Mountains~~
15 *Bighorn-Desert View Water Agency*, whether contiguous or not
16 to an improvement district thereof, may be annexed to ~~said the~~
17 improvement district in the following manner. A petition, which
18 may consist of any number of separate instruments, shall be filed
19 with the secretary of the agency, signed by holders of title to ~~sixty~~
20 percent ~~(60%)~~ 60 percent or more of the land in the portion
21 proposed to be annexed, which land as so represented in ~~said the~~
22 petition shall have an assessed valuation of not less than ~~fifty~~
23 percent ~~(50%)~~ 50 percent of the land so proposed to be annexed.
24 The petition shall contain *all of the following:* ~~(a) a~~

25 (1) A description of the area proposed to be annexed, which
26 may be made by reference to a map on file with the secretary of
27 the agency, which map shall govern for all details as to the extent
28 of the area proposed to be annexed, or in any other definite ~~manner;~~
29 ~~(b) the manner.~~

30 (2) The terms and conditions upon which ~~said the~~ proposed area
31 may be annexed as theretofore determined by resolution adopted
32 by the board of directors of the ~~agency; and (c) a prayer that~~
33 agency.

34 (3) A request that the board of directors declare ~~such the~~ area
35 to be annexed to the improvement district. ~~Said~~

36 (b) The petition shall be accompanied by a certified check
37 payable to the order of the agency in sufficient sum to reimburse
38 ~~said the~~ agency for expenses of processing and publishing the
39 petition and preparing and making the filings required by law.

40 ~~Within~~

1 (c) *Within 10 days of the date of the filing of ~~such petition the~~*
2 *petition, the secretary of the agency shall examine ~~the same it~~ and*
3 *ascertain whether or not ~~such the~~ petition is signed by the required*
4 *number of property owners; and, if requested by the secretary of*
5 *the agency, the board of directors shall authorize ~~him the general~~*
6 *manager to employ persons especially for that purpose, in addition*
7 *to the persons regularly employed in his ~~or her~~ office, and shall*
8 *provide for their compensation. When the ~~secretary of the agency~~*
9 *general manager has completed his ~~or her~~ examination of the*
10 *petition, he ~~or she~~ shall attach to ~~the same his it his or her~~*
11 *certificate, properly dated, showing the result of ~~such the~~*
12 *examination; and if from ~~such the~~ examination ~~he shall find that~~*
13 *~~said~~ he or she finds the petition is signed by the requisite number*
14 *of property owners, or is not so signed, he ~~or she~~ shall certify that*
15 *the ~~same~~ petition is sufficient, or insufficient, as the case may be.*

16 If

17 (d) *If by the certificate of the ~~secretary of the agency general~~*
18 *manager, the petition is found to be insufficient, ~~said the~~ petition*
19 *may be amended by filing a supplemental petition or petitions*
20 *within 10 days of the date of ~~such the~~ certificate. The ~~secretary of~~*
21 *the agency general manager shall, within 10 days after the filing*
22 *of ~~such the~~ supplemental petition or petitions, ~~make like~~*
23 *examination of the ~~same~~ examine them and certify to the result of*
24 *~~such the~~ examination as hereinbefore provided.*

25 If

26 (e) *If by the certificate of the ~~secretary such general manager,~~*
27 *the petition, or petition as amended, is shown to be sufficient, the*
28 *secretary shall cause notice of hearing on the petition to be*
29 *published and posted ~~without delay.~~*

30 The

31 (f) *The text of ~~said the~~ petition shall be published pursuant to*
32 *Section 6066 of the Government Code prior to the time at which*
33 *~~the same it~~ is to be presented to the board of directors of the agency*
34 *in at least one newspaper printed and published in the ~~Bighorn~~*
35 *Mountains Bighorn-Desert View Water Agency, if there is a*
36 *newspaper printed and published in ~~such agency; the agency,~~*
37 *together with a notice stating the time and place of the meeting at*
38 *which ~~the same the~~ petition will be presented. When contained*
39 *upon one or more instruments, ~~only one copy only of such the~~*
40 *petition need be published. No more than five of the names attached*

1 to ~~said the~~ petition need appear in ~~said the~~ publication of ~~said the~~
2 petition and notice, but the number of signers shall be stated. ~~Said~~
3 *The* notice and petition shall also be posted in three public places
4 in the improvement district and three public places in the area
5 proposed to be annexed, at least two weeks prior to the hearing.

6 ~~The~~

7 (g) *The* board of directors of the agency shall proceed to hear
8 the petition at the time and place fixed therefor and any person
9 residing within the agency or improvement district or owning
10 taxable property in ~~said the~~ agency or improvement district shall
11 be entitled to appear and be heard at ~~such the~~ hearing. ~~Such The~~
12 hearing may be continued from time to time by the board of
13 directors of the agency. At the conclusion of the hearing, and if
14 the board of directors finds and determines from the evidence
15 presented at ~~said the~~ hearing that the area proposed to be annexed
16 to an improvement district will be benefited thereby, and that the
17 improvement district to which ~~said area the area is~~ proposed to be
18 annexed will also be benefited thereby and will not be injured
19 thereby, ~~then and in such case~~ the board of directors of the agency
20 may, by resolution, approve ~~such the~~ annexation, describing the
21 territory so annexed, which may be by reference to a map on file
22 with the secretary of the agency, *which* shall govern for all details
23 as to the extent of the annexed area, or in any other definite manner,
24 and the terms and conditions of annexation as theretofore
25 determined by resolution of the board of directors.

26 ~~From~~

27 (h) *From* and after the date of the adoption of ~~such the~~
28 resolution, the area named therein shall be deemed added to and
29 shall form a part of ~~said the~~ improvement district and the taxable
30 property therein shall be subject to taxation thereafter for the
31 purposes of ~~said the~~ improvement district, including the payment
32 of the principal of and interest on bonds and other obligations of
33 ~~such the~~ improvement district at the time authorized and
34 outstanding at the time of ~~said the~~ annexation as if ~~said the~~ annexed
35 property had always been a part of ~~said the~~ improvement district,
36 and the board of directors of the ~~Bighorn Mountains~~
37 *Bighorn-Desert View Water Agency* shall be empowered to do all
38 things necessary to enforce and make effective the terms and
39 conditions of annexation fixed as ~~hereinabove~~ authorized *in this*
40 *section*.

1 ~~Any~~

2 (i) Any action or proceeding wherein the validity of ~~any such~~
3 an annexation is contested, questioned or denied must be
4 commenced within ~~three months~~ 30 days after the date of issuance
5 by the Secretary of State of his certificate; otherwise said adoption
6 of the resolution approving the annexation, or the annexation shall
7 be held to be valid and in every respect legal and incontestable.

8 SEC. 37. Section 31 of the Bighorn-Desert View Water Agency
9 Law (Chapter 1175 of the Statutes of 1969) is amended and
10 renumbered to read:

11 ~~Sec. 31.~~

12 Sec. 24. (a) If from ~~such the~~ returns it appears that more than
13 two-thirds of the votes cast in ~~such the~~ election held pursuant to
14 the provisions of Section ~~28~~ 21 or of Section ~~29~~ 22 of this act, act
15 were in favor of and assented to the incurring of ~~such the proposed~~
16 indebtedness, then the board of directors may, by resolution, at
17 such time or times as it deems proper, issue bonds of the agency
18 for the whole or any part of the amount of the indebtedness so
19 authorized, and may from time to time provide for the issuance of
20 such amounts as ~~the necessity thereof may appear~~ are needed, until
21 the full amount of ~~such the~~ bonds authorized ~~shall have~~ has been
22 issued. Said full amount of bonds Bonds may be divided into two
23 or more series and different dates may be fixed for each of the
24 series. The maximum term ~~which that~~ the bonds of any series shall
25 run before maturity shall not exceed 40 years from the date of each
26 series ~~respectively the series~~.

27 The

28 (b) The board of directors shall, by resolution, prescribe the
29 form of the bonds ~~and the form of the coupons attached thereto~~
30 and fix the time when the whole or any part of the principal shall
31 become due and payable. The payment of the first installment of
32 principal may be deferred for a period of not more than five years
33 from the date of the bonds ~~or the date of the bonds~~ of each series
34 respectively. The bonds shall bear interest at a rate or rates not to
35 exceed 7 percent per annum, payable semiannually, except that
36 interest for the first year may be payable at the end of said year
37 the rate permitted by Article 7 (commencing with Section 53530)
38 of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government
39 Code, payable on a fixed or variable basis, or payable on the dates
40 specified in the resolution. The board of directors may also provide

1 for call and redemption of bonds prior to maturity at such times
2 and prices and upon such other terms as it may specify. A bond
3 shall not be subject to call or redemption prior to maturity unless
4 it contains a recital to that effect or unless a statement to that effect
5 is printed thereon.

6 ~~The~~

7 (c) *The* denomination of the bonds shall be stated in the
8 resolution providing for their issuance, but shall not be less than
9 one hundred dollars (\$100). The principal and interest shall be
10 payable in lawful money of the United States at the office of the
11 treasurer of the district or such other place or places as may be
12 designated, or at either place or places at the option of the holder
13 of the bond.

14 ~~The~~

15 (d) *The* bonds shall be dated, numbered consecutively, and be
16 signed by the president and treasurer of the agency, countersigned
17 by the secretary of the agency, and the official seal of the agency
18 attached. ~~The interest coupons of such bonds shall be signed by~~
19 ~~the treasurer of said agency.~~ All ~~such of these~~ signatures and
20 countersignatures may be printed, lithographed, or mechanically
21 reproduced, except that one of ~~said these~~ signatures or
22 countersignatures ~~to said bonds~~ shall be manually affixed.

23 ~~If~~

24 (e) *If* the bond election proceedings have been limited to and
25 have applied only to an improvement district within ~~said the~~
26 agency, ~~said the~~ bonds are bonds of the agency and shall be issued
27 in the name of the agency and shall be designated “Bonds of the
28 ~~Bighorn Mountains~~ Bighorn-Desert View Water Agency for
29 Improvement District No. ____” and each bond ~~and all interest~~
30 ~~coupons thereof~~ shall state that taxes levied for the payment thereof
31 shall be levied exclusively upon the taxable property in ~~said that~~
32 improvement district.

33 ~~Before~~

34 (f) *Before* selling the bonds, or any part thereof, the board of
35 directors shall give notice inviting sealed bids in such manner as
36 it may prescribe. If satisfactory bids are received, the bonds offered
37 for sale shall be awarded to the highest responsible bidder. If no
38 bids are received, or if ~~said the~~ board determines that the bids
39 received are not satisfactory as to price or responsibility of the
40 bidders, it may reject all bids received, if any, and either readvertise

1 ~~or sell the bonds at private sale~~ *negotiate the sale of the bonds.*
2 *The board of directors may determine by a two-thirds vote of the*
3 *total vote of the board that the interest of the district and the public*
4 *interest or necessity require that the bonds may be sold at private*
5 *sale upon those terms and conditions as the board may deem*
6 *necessary, convenient, or desirable. In addition to interest paid*
7 *on a bond or evidence of indebtedness of the district, the board,*
8 *in its discretion, may sell the bonds or evidence of indebtedness*
9 *at less than its par or face value, but not at less than 94 percent*
10 *of the par or face value thereof.*

11 (g) The proceeds arising from the sale of bonds shall be paid
12 into the treasury of the agency and placed to the credit of a special
13 improvement fund and expended only for the purpose for which
14 the indebtedness was created; provided, however, that when ~~said~~
15 ~~that purpose has been accomplished any moneys remaining in said~~
16 ~~the special improvement fund may be transferred to the water~~
17 ~~operating fund to be used for the payment of principal of and~~
18 ~~interest on the bonds. Said remaining~~ *The moneys remaining from*
19 *the sale of bonds of the agency may also be used for some other*
20 *agency purpose. Such moneys* *Moneys remaining from the sale of*
21 *bonds of the agency for an improvement district therein may also*
22 *be used for any purpose which that will benefit the property in the*
23 *improvement district. Said moneys may not be used for said other*
24 *agency purpose or improvement district purpose until two-thirds*
25 *of the qualified voters of said agency or improvement district have*
26 *consented thereto at a special election called in said agency or*
27 *improvement district by the board of directors. Notice of said*
28 *election shall be given in the manner provided for bond elections*
29 *in said agency or improvement district, as the case may be, and in*
30 *other respects the election shall be conducted as are other agency*
31 *elections.*

32 (h) *The bonds of the district shall be legal investment for all*
33 *trust funds and for the funds of all insurance companies, banks,*
34 *both commercial and savings, and trust companies, for state school*
35 *funds, and, whenever any moneys or funds may by law now or*
36 *hereafter enacted be invested in bonds of a city, county, or city*
37 *and county, school districts, and municipalities in the state, the*
38 *moneys or funds may be invested in bonds of the district, issued*
39 *in accordance with the provisions of this act. Whenever bonds of*
40 *a city, county, city and county, school district, or municipality may*

1 *by law be used as security for the performance of any act, the*
2 *bonds of the district may be so used.*

3 *SEC. 38. Section 32 of the Bighorn-Desert View Water Agency*
4 *Law (Chapter 1175 of the Statutes of 1969) is amended and*
5 *renumbered to read:*

6 ~~*Sec. 32.*~~

7 *Sec. 25. Any bonds issued by the ~~Bighorn Mountains~~*
8 *Bighorn-Desert View Water Agency are hereby given the same*
9 *force, value and use as bonds issued by any city and shall be*
10 *exempt from all taxation within the State of California.*

11 *SEC. 39. Section 33 of the Bighorn-Desert View Water Agency*
12 *Law (Chapter 1175 of the Statutes of 1969) is amended and*
13 *renumbered to read:*

14 ~~*Sec. 33.*~~

15 *Sec. 26. (a) Whenever the board of directors deems it necessary*
16 *to form an improvement district of a portion of the agency for a*
17 *purpose other than the incurring of bonded indebtedness under*
18 *Section 29 22 of this act it shall by resolution so declare and ~~state:~~*
19 ~~*(a) the state all of the following:*~~

20 ~~*(1) The purpose for which the proposed improvement district*~~
21 ~~*is to be formed, (b) the formed.*~~

22 ~~*(2) The estimated expense of carrying out said purpose, (c) that*~~
23 ~~*the purpose.*~~

24 ~~*(3) That the board intends to form an improvement district of*~~
25 ~~*a portion of the agency which that in the opinion of the board will*~~
26 ~~*be benefited, the exterior boundaries of which portion are set forth*~~
27 ~~*on a map on file with the secretary of the agency, which map shall*~~
28 ~~*govern for all details as to the extent of the proposed improvement*~~
29 ~~*district, (d) that district.*~~

30 ~~*(4) That taxes for carrying out said the purpose shall be levied*~~
31 ~~*exclusively upon the taxable property in said the proposed*~~
32 ~~*improvement district, (e) that district.*~~

33 ~~*(5) That a map showing the exterior boundaries of said the*~~
34 ~~*proposed improvement district, with relation to the territory*~~
35 ~~*immediately contiguous thereto, is on file with the secretary of the*~~
36 ~~*agency and is available for inspection by any person or persons*~~
37 ~~*interested, (f) the interested.*~~

38 ~~*(6) The time and place for a hearing by the board on the*~~
39 ~~*questions of the formation of said the proposed improvement*~~
40 ~~*district, the extent thereof, the purpose for which it is to be formed,*~~

1 and the estimated expense of carrying out ~~said purpose and (g)~~
2 ~~that the purpose.~~

3 (7) ~~That at said the~~ time and place *specified*, any person
4 interested, including all persons owning property in the agency or
5 in the proposed improvement district, will be ~~heard~~. *Notice heard.*

6 (b) ~~Notice of said the~~ hearing shall be given by publishing a
7 copy of the resolution pursuant to Section 6066 of the Government
8 Code prior to the time fixed for the hearing in a newspaper
9 circulated in the ~~Bighorn Mountains~~ *Bighorn-Desert View* Water
10 Agency, if there is a newspaper circulated therein. ~~Said This~~ notice
11 shall also be given by posting a copy of ~~said the~~ resolution in three
12 public places within the proposed improvement district for at least
13 two weeks before the time fixed for ~~said the~~ hearing.

14 **At**

15 (c) ~~At the time and place so fixed of the hearing~~, or at any time
16 or place to which the hearing is adjourned, the board shall proceed
17 with the hearing, at which ~~hearing~~ any person interested, including
18 all persons owning property in the agency, or in the proposed
19 improvement district, may appear and present any matters material
20 to the questions set forth in the resolution. At the conclusion of
21 the hearing the board shall, by resolution, determine whether it is
22 necessary to form ~~said the proposed~~ improvement district, and, if
23 so, the resolution shall also state the purpose for which the
24 proposed improvement district is to be formed, *the* estimated
25 expense of carrying out ~~said the~~ purpose, that the exterior
26 boundaries of the portion of the agency ~~which that~~ will be benefited
27 are set forth on a map on file with the secretary of the agency,
28 which map shall govern for all details as to the extent of the
29 improvement district, and that ~~said the~~ portion of the agency set
30 forth on ~~said map~~, *the map* shall thereupon constitute and be known
31 as "Improvement District (A, B, C, or other letter designation) of
32 the ~~Bighorn Mountains~~ *Bighorn-Desert View* Water Agency," and
33 the determinations made in ~~said the~~ resolution shall be final and
34 conclusive. After the formation of ~~such the~~ improvement district
35 within the ~~Bighorn Mountains~~ *Bighorn-Desert View* Water Agency
36 pursuant to this section all taxes levied for the ~~carrying out of said~~
37 *purpose for which the improvement district is formed* shall be
38 levied exclusively upon the taxable property in the improvement
39 district.

40 **A**

(d) A copy of the resolution forming the improvement district shall be published pursuant to Section 6066 of the Government Code in a newspaper printed and published in the agency, if there is a newspaper printed and published in the agency, and a copy of ~~said the~~ resolution shall also be posted in three public places within the proposed improvement district for at least two weeks. ~~Said The~~ resolution shall not be effective until the 31st day after completion of ~~said publication and/or this~~ posting, *and, if applicable, publication*. If, before ~~said effective this~~ date, a petition signed by not less than 10 percent of the voters of the improvement district requesting that an election be held on the formation thereof is presented to the board of directors, ~~said the~~ board shall call a special election in the improvement district for the purpose of submitting the question of the formation of the improvement district to the voters of ~~said the proposed~~ improvement district.

~~The~~
(e) ~~The~~ board of directors shall ~~provide for holding such fix a date for this special election on the day so fixed and~~ in accordance with ~~the applicable~~ provisions of the Elections Code ~~so far as the same shall be applicable~~, except as herein otherwise provided. Notice of the holding of ~~such the~~ election shall be given by publishing the resolution calling the election pursuant to Section 6066 of the Government Code prior to the date of the proposed election, *election* in at least one newspaper printed and published in the ~~Bighorn Mountains Bighorn-Desert View~~ Water Agency, if there is a newspaper printed and published in ~~such the~~ agency. ~~Such The~~ resolution shall also be posted in three public places in ~~such the~~ improvement district not less than two weeks prior to the date of the proposed election. No other notice of ~~such the~~ election need be given.

~~The~~
(f) ~~The~~ returns of ~~such the~~ election shall be made, the votes canvassed by ~~said board of directors within seven days following said election~~, *canvassed*, and the results thereof ascertained and declared in accordance with the *applicable* provisions of the Elections Code ~~so far as they may be applicable~~, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of ~~such the~~ board a statement of ~~such the~~ results. No irregularities or informalities in conducting ~~such the~~ election shall invalidate ~~the~~

1 ~~same~~ *it*, if the ~~elections~~ *election* shall have otherwise been fairly
2 conducted.

3 If

4 (g) ~~If from such the~~ returns it appears that a majority of the votes
5 cast at ~~such the~~ election were in favor of the formation of ~~such the~~
6 improvement district, the formation of ~~such the~~ improvement
7 district shall be complete.

8 Any

9 (h) Any action or proceeding ~~wherein~~ *questioning, contesting,*
10 *or denying* the validity of the formation of the improvement district,
11 or of any of the proceedings in relation ~~thereto is contested,~~
12 ~~questioned or denied to that formation,~~ shall be commenced within
13 ~~three months~~ *30 days* from the effective date of the resolution
14 forming ~~such the~~ district, or, if an election is held, within ~~three~~
15 ~~months~~ *30 days* from the date of ~~such the~~ election, ~~otherwise or~~
16 the formation of the improvement district, and all proceedings in
17 relation thereto, shall be held to be valid and in every respect legal
18 and incontestable.

19 SEC. 40. *Section 34 of the Bighorn-Desert View Water Agency*
20 *Law (Chapter 1175 of the Statutes of 1969) is amended and*
21 *renumbered to read:*

22 ~~Sec. 34.~~

23 Sec. 27. The board of directors may advance general funds of
24 the agency to accomplish the purposes of an improvement district
25 ~~formed in accordance with Sections 29 or 33 and, if the~~
26 ~~improvement district is formed under Section 29, may and the~~
27 ~~district may~~ repay the agency from the proceeds of the sale of
28 bonds authorized for ~~such purpose those purposes, or if the~~
29 ~~improvement district is formed under Section 33 may, in the~~
30 ~~formation of such improvement district, provide that the agency~~
31 ~~shall be repaid with interest at not to exceed 7 percent from the~~
32 ~~special taxes levied exclusively upon the taxable property in said~~
33 ~~the improvement district, at the rate of interest authorized by~~
34 ~~Article 7 (commencing with Section 53530) of Chapter 3 of Part~~
35 ~~1 of Division 2 of Title 5 of the Government Code.~~

36 SEC. 41. *Section 35 of the Bighorn-Desert View Water Agency*
37 *Law (Chapter 1175 of the Statutes of 1969) is amended and*
38 *renumbered to read:*

1 ~~Sec. 35.~~

2 ~~Sec. 28.~~ Interest on any bonds issued by the agency coming
3 due before the proceeds of a tax levied at the next ~~general~~ tax levy
4 after the sale of ~~said~~ *the* bonds are available, and interest on any
5 bonds issued by the agency coming due before the expiration of
6 one year following completion of the acquisition and construction
7 of the works and improvements for which the bonds were issued
8 may be paid from the proceeds of the sale of ~~such~~ *those* bonds.

9 ~~SEC. 42.~~ *Section 36 of the Bighorn-Desert View Water Agency*
10 *Law (Chapter 1175 of the Statutes of 1969) is repealed.*

11 ~~Sec. 36.~~ Land not a part of the agency whether or not
12 contiguous to it or to other portions added to the agency, and
13 consisting of any portion of the county wherein the agency was
14 formed or of any municipality therein, or of land in any county
15 contiguous to the county wherein the agency was formed or of any
16 municipality therein, may be included within the agency.

17 ~~SEC. 43.~~ *Section 40 of the Bighorn-Desert View Water Agency*
18 *Law (Chapter 1175 of the Statutes of 1969) is repealed.*

19 ~~Sec. 40.~~ Ordinances may be passed by the voters of the Bighorn
20 Mountains Water Agency organized under the provisions of this
21 act in accordance with the methods provided by the Elections Code
22 for direct legislation in cities.

23 ~~SEC. 44.~~ *Section 41 of the Bighorn-Desert View Water Agency*
24 *Law (Chapter 1175 of the Statutes of 1969) is repealed.*

25 ~~Sec. 41.~~ Ordinances may be disapproved and thereby vetoed
26 by the voters of this agency by proceeding in accordance with the
27 methods provided by the Elections Code for protesting against
28 legislation in cities.

29 ~~SEC. 45.~~ *Section 42 of the Bighorn-Desert View Water Agency*
30 *Law (Chapter 1175 of the Statutes of 1969) is amended and*
31 *renumbered to read:*

32 ~~Sec. 42.~~ It is the intention that the Bighorn Mountains Water

33 ~~Sec. 29.~~ *The Bighorn-Desert View Water Agency shall not be*
34 *disincorporated dissolved* until all ~~bonded~~ indebtedness shall have
35 been fully paid.

36 ~~SEC. 46.~~ *Section 30 is added to the Bighorn-Desert View Water*
37 *Agency Law (Chapter 1175 of the Statutes of 1969), to read:*

38 ~~Sec. 30.~~ (a) *The Bighorn-Desert View Water Agency shall*
39 *separately account for and use funds derived from the operation*
40 *of the Desert View Water District and the Bighorn Mountains*

1 *Water Agency for the purpose of bond debt service for each of the*
2 *former systems.*

3 *(b) Nothing in this part shall be construed to impair any contract*
4 *entered into prior to January 1, 2014.*

5 *SEC. 47. Section 45 of the Bighorn-Desert View Water Agency*
6 *Law (Chapter 1175 of the Statutes of 1969) is repealed.*

7 ~~Sec. 45. Nothing in this act shall be so construed as repealing~~
8 ~~or in anywise modifying the provisions of any other act relating~~
9 ~~to water or the supply of water to, or the acquisition thereof, by~~
10 ~~cities within this state. The term “city,” as used in this act, shall~~
11 ~~mean and include any city or incorporated town, whether organized~~
12 ~~or functioning under a freeholders’ charter or under the provisions~~
13 ~~of general laws. The word “agency” shall apply, unless otherwise~~
14 ~~expressed or used, to the Bighorn Mountains Water Agency formed~~
15 ~~under the provisions of this act, and the word “board” and the~~
16 ~~words “board of directors” shall apply to the board of directors of~~
17 ~~such agency. The term “indebtedness” shall mean all indebtedness~~
18 ~~other than bonded indebtedness unless the latter is expressly used.~~
19 ~~The meaning of the term “voter,” as used in this act, shall be~~
20 ~~ascertained by reference to Section 21 of the Elections Code.~~

21 *SEC. 48. Section 46 of the Bighorn-Desert View Water Agency*
22 *Law (Chapter 1175 of the Statutes of 1969) is repealed.*

23 ~~Sec. 46. If there shall be a registrar of voters, other than the~~
24 ~~county clerk, in the principal county in which the Bighorn~~
25 ~~Mountains Water Agency is hereby incorporated, or incorporated,~~
26 ~~under the provisions of this act, is situated, the duties required by~~
27 ~~this act to be performed by the county clerk respecting the~~
28 ~~nomination of candidates for offices of such water agency and the~~
29 ~~holding of elections in such agency, shall be performed by such~~
30 ~~registrar of voters.~~

31 *SEC. 49. Section 48 of the Bighorn-Desert View Water Agency*
32 *Law (Chapter 1175 of the Statutes of 1969) is amended and*
33 *renumbered to read:*

34 ~~Sec. 48:~~

35 *Sec. 35. If any section, subsection, sentence, clause, or phrase*
36 *of this act or the application thereof to any person or circumstance*
37 *is for any reason held invalid, the validity of the remainder of the*
38 *act or the application of such the provision to other persons or*
39 *circumstances shall not be affected thereby. The Legislature hereby*
40 *declares that it would have passed this act and each section,*

1 subsection, sentence, clause, and phrase thereof irrespective of the
2 fact that one or more sections, subsections, sentences, clauses, or
3 phrases or the application thereof to any person or circumstances
4 may be held invalid.

5 *SEC. 50. Section 49 of the Bighorn-Desert View Water Agency*
6 *Law (Chapter 1175 of the Statutes of 1969) is repealed.*

7 ~~Sec. 49. The inclusion in, or annexation or addition to this~~
8 ~~agency, of the corporate area of any public corporation or public~~
9 ~~agency shall not destroy the identity or legal existence or impair~~
10 ~~the powers of any such public corporation or public agency,~~
11 ~~notwithstanding the identity of purpose, or substantial identity of~~
12 ~~purpose of this agency. No public corporation or public agency~~
13 ~~having identity of purpose or substantial identity of purpose shall~~
14 ~~be formed partly or entirely within this agency, whether by~~
15 ~~incorporation or annexation, without the consent of the board of~~
16 ~~directors of this agency.~~

17 *SEC. 51. Section 50 of the Bighorn-Desert View Water Agency*
18 *Law (Chapter 1175 of the Statutes of 1969), as amended by Section*
19 *3 of Chapter 950 of the Statutes of 1985, is amended and*
20 *renumbered to read:*

21 ~~Sec. 50. The agency,~~

22 *Sec. 18 The board of directors, by ordinance or resolution,*
23 *may fix and impose, on or before the first day of July in any*
24 *calendar year, a water standby or availability charge on lands*
25 *within the agency or in any improvement district thereof to which*
26 *water is made available by the agency through underground or by*
27 *surface facilities, whether the water is actually used or not. The*
28 *standby charge shall not exceed ten dollars (\$10) per acre per year*
29 *for each acre of land within the agency or any improvement district*
30 *thereof or ten dollars (\$10) per year for any parcel of less than one*
31 *acre. The ordinance fixing a Alternatively, the board of directors*
32 *may fix a water standby charge in accordance with the provisions*
33 *of the Uniform Standby Charge Procedures Act (Chapter 12.4*
34 *(commencing with Section 54984) of Part 1 of Division 2 of Title*
35 *5 of the Government Code). A standby charge shall be adopted by*
36 *the board only after adoption of a resolution setting forth the*
37 *particular schedule or schedules of charges proposed to be*
38 *established by ordinance and after two works' notice and a public*
39 *hearing. Notice to all landowners whose property may be made*
40 *subject to a water standby or availability charge shall be by*

1 publication pursuant to Section 6061 of the Government Code and
2 by first-class mail addressed to each person or entity to whom land
3 is assessed, as shown on the last equalized roll of the county, at
4 the address shown on the assessment roll *in compliance with the*
5 *applicable provisions of the California Constitution and state law.*
6 ~~The ordinance fixing a standby charge board of directors may~~
7 establish schedules varying the charges according to land uses,
8 water uses, and degree of water availability. ~~On or before the third~~
9 ~~Monday in August, the board shall furnish in writing to the board~~
10 ~~of supervisors and the county auditor of each affected county a~~
11 ~~description of each parcel of land within the agency upon which~~
12 ~~a charge is to be levied and collected for the current fiscal year,~~
13 ~~together with the amount of standby charge fixed by the district~~
14 ~~on each parcel of land. The board shall direct that, at the time and~~
15 ~~in the manner required by law for the levying of taxes for county~~
16 ~~purposes, the board of supervisors shall levy, in addition to any~~
17 ~~other tax it levies, a standby charge in the amounts for the~~
18 ~~respective parcels fixed by the board. All county officers charged~~
19 ~~with the duty of collecting taxes shall collect agency standby~~
20 ~~charges with the regular tax payments to the county. The board of~~
21 ~~directors shall certify to the county board of supervisors the charge~~
22 ~~or charges so fixed in accordance with the applicable procedures~~
23 ~~of the county. The charges shall be collected in the same form and~~
24 ~~manner as county taxes are collected and shall be paid to the~~
25 ~~agency. Charges fixed by the agency shall be a lien on all the~~
26 ~~property benefited thereby charged pursuant to this section. Liens~~
27 ~~for the charges shall be of the same force and effect as other liens~~
28 ~~for taxes, and their collection may be enforced by the same means~~
29 ~~as provided for the enforcement of liens for state and county taxes.~~

30 ~~Notwithstanding any other provision, the water standby or~~
31 ~~availability charge for Improvement District "B" of the agency~~
32 ~~and the charge for any improvement district of the agency formed~~
33 ~~after January 1, 1986, shall not exceed thirty dollars (\$30) per year~~
34 ~~for each acre of land within the improvement district, or thirty~~
35 ~~dollars (\$30) per year for any parcel of less than one acre within~~
36 ~~the improvement district.~~

37 *SEC. 52. Section 51 of the Bighorn-Desert View Water Agency*
38 *Law (Chapter 1175 of the Statutes of 1969), as amended by Section*
39 *5 of Chapter 1035 of the Statutes of 1982, is repealed.*

~~Sec. 51. The agency may issue negotiable promissory notes pursuant to this section, bearing interest at a rate not to exceed the rate specified in Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code, for the purpose of acquiring funds to finance the construction or acquisition of administrative offices, construction headquarters, commercial offices, or facilities for similar agency purposes and for the acquisition of land for agency purposes. The maturity of such promissory notes shall not be later than 10 years from the date thereof. The total aggregate amount of such notes outstanding at any one time may be at least equal to one hundred thousand dollars (\$100,000), but shall not exceed the lesser of either five hundred thousand dollars (\$500,000) or 1 percent of the assessed valuation of the taxable property in the agency or, if the assessed valuation is not obtainable, 1 percent of the county auditor's estimate of the assessed valuation of the taxable property in the agency evidenced by his certificate. Promissory notes issued pursuant to subdivision 11 of Section 15 may be disregarded in computing the aggregate amount of notes that may be issued pursuant to this section.~~

SEC. 53. Section 52 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

~~Sec. 52.~~

Sec. 31. (a) Whenever the board deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion, replacement, or repair of any or all improvements, works, or property mentioned in this law act and to provide for such that bonded indebtedness to be payable from taxes levied upon an uninhabited portion of the agency, the board shall, by resolution, declare its intention to form an uninhabited improvement district in such that portion of the agency and to incur such the indebtedness.

~~For~~

(b) For the purposes of this law section, the portion of the agency formed into an uninhabited improvement district shall be deemed uninhabited if less than 12 voters reside therein within the district at the time of the formation thereof of the district.

~~The~~

1 (c) *The* resolution of intention shall state that the board of
2 *directors* intends to form an improvement district of an uninhabited
3 portion of the agency which, in the opinion of the board, will be
4 benefited, and to incur indebtedness by the issuance of bonds of
5 the agency for ~~such~~ *that* uninhabited improvement district.

6 The resolution of intention shall also state *all of the following*:

7 ~~(a)~~

8 (1) The purpose for which the proposed debt is to be incurred.

9 ~~(b)~~

10 (2) The amount of debt to be incurred, which may include
11 expenses of all proceedings for the authorization, issuance, and
12 sale of the bonds.

13 ~~(c)~~

14 (3) That taxes for the payment of the bonds and the interest
15 thereon will be levied exclusively upon the taxable property in the
16 uninhabited improvement district.

17 ~~The resolution of intention shall also state that~~

18 (4) *That* a general description of the proposed improvement,
19 together with a map showing the exterior boundaries of the
20 proposed uninhabited improvement district with relation to the
21 territory immediately contiguous thereto and to the proposed
22 improvement is on file with the ~~secretary~~ *agency* and is available
23 for inspection by any person or persons interested. This map shall
24 govern for all details as to the extent of the proposed uninhabited
25 improvement district.

26 ~~The resolution of intention shall also state:~~

27 ~~(a)~~

28 (5) The time and place for a hearing by the board of *directors*
29 on the questions of the formation and extent of the proposed
30 uninhabited improvement district, the proposed improvement, and
31 the amount of debt to be incurred.

32 ~~(b)~~

33 (6) That at the time and place specified in the resolution any
34 person interested will be heard, and that any owner of property
35 within the proposed uninhabited improvement district may file
36 with the ~~secretary~~ *agency* at any time prior to the time set for the
37 hearing ~~thereon~~ written protest to the formation of the proposed
38 uninhabited improvement district.

39 Notice

1 (d) *Notice* of the hearing shall be given by publishing a copy
2 of the resolution pursuant to Section 6066 of the Government Code
3 prior to the time fixed for the hearing in a newspaper circulated in
4 the agency, if there is a newspaper circulated in the agency. ~~Such~~
5 ~~notice~~ *Notice* shall also be given by posting a copy of the resolution
6 of intention in three public places within the proposed uninhabited
7 improvement district for at least two weeks before the time fixed
8 for the hearing.

9 A

10 (e) A copy of the resolution of intention shall also be mailed,
11 postage prepaid, to each person to whom land in the proposed
12 uninhabited improvement district is assessed as shown on the last
13 equalized county assessment roll, at his *or her* address as shown
14 upon the roll, and to any person, whether owner in fee or having
15 a lien upon, or legal or equitable interest in, any land within the
16 proposed uninhabited improvement district, whose name and
17 address and a designation of the land in which he *or she* is
18 interested is on file with the ~~secretary~~ *agency*.

19 At

20 (f) *At* the time and place fixed in the resolution of intention, or
21 at any time or place to which the hearing is adjourned, the board
22 shall proceed with the hearing. At the hearing any person interested
23 may appear and present any matters material to the questions set
24 forth in the resolution. Also at the hearing the board shall hear and
25 pass upon all written protests filed by the owners of property within
26 the proposed uninhabited improvement district.

27 If

28 (g) *If* written protests are filed by the owners of one-half of the
29 value of the property within the proposed uninhabited improvement
30 district, as shown by the last equalized assessment roll of the
31 county, further proceedings shall not be taken. ~~If such written~~
32 ~~protests are not made filed by the owners of one-half of the value~~
33 ~~of the property,~~ the board shall by resolution determine whether
34 it is necessary to incur the bonded indebtedness and if so, the
35 resolution shall also state *all of the following*:

36 (a)

37 (1) The purpose for which the proposed debt is to be incurred.

38 (b)

39 (2) The amount of the proposed debt.

40 (c)

1 (3) That the exterior boundaries of the portion of the agency
2 ~~which that~~ will be benefited are set forth on a map on file with the
3 secretary, which map shall govern for all details as to the extent
4 of the uninhabited improvement district.

5 ~~(d)~~

6 (4) That ~~such the~~ portion of the agency set forth on the map
7 shall thereupon constitute and be known as "Improvement District
8 No. of ~~Bighorn Mountains~~ *Bighorn-Desert View Water*
9 ~~Agency". Agency."~~

10 ~~The~~

11 (h) *The* determinations made in the resolution of formation
12 shall be final and conclusive.

13 ~~After~~

14 (i) *After* the formation of the uninhabited improvement district
15 pursuant to this law the board may, by resolution, at ~~such the~~ time
16 or times ~~as that~~ it deems proper, issue bonds of the ~~agency,~~
17 ~~pursuant to Section 31 of this law,~~ *agency* for the whole or any
18 part of the amount of the indebtedness authorized by the resolution
19 of formation. All taxes levied for the payment of the bonds and
20 the interest thereon shall be levied exclusively upon the taxable
21 property in the uninhabited improvement district.

22 ~~Any~~

23 (j) *Any* action or proceeding ~~in which~~ *contesting, questioning,*
24 *or denying* the validity of the formation of an uninhabited
25 improvement district or of any of the proceedings in relation thereto
26 ~~is contested, questioned, or denied~~ shall be commenced within
27 ~~three months~~ *30 days* from the date of the resolution forming
28 ~~district; otherwise that district,~~ *or the formation of the uninhabited*
29 *improvement district and all proceedings in relation thereto shall*
30 *be held to be valid and in every respect legal and incontestable.*

31 ~~The~~

32 (k) *The* board may advance general funds of the agency to
33 accomplish the purposes of an improvement district formed
34 pursuant to this ~~law~~ *section*.

35 ~~The~~

36 (l) *The* board may repay the agency for any advance of funds
37 from the proceeds of the sale of bonds authorized for the purposes
38 of the improvement district.

1 SEC. 54. Section 53 of the Bighorn-Desert View Water Agency
2 Law (Chapter 1175 of the Statutes of 1969) is amended and
3 renumbered to read:

4 ~~Sec. 53.~~

5 Sec. 32. (a) The board, by resolution, may initiate proceedings
6 for the annexation of territory *to an improvement district* within
7 the agency whether contiguous or not to ~~an~~ the improvement
8 district ~~to such improvement district~~.

9 ~~The~~

10 (b) The resolution proposing annexation shall *do all of the*
11 *following*:

12 ~~(a)~~

13 (1) Declare that proceedings have been initiated by the board
14 pursuant to this law.

15 ~~(b)~~

16 (2) State the reason for proposing the annexation.

17 ~~(c)~~

18 (3) Set forth a description of the area proposed to be annexed,
19 which may be made by reference to a map on file with the secretary
20 of the agency which map shall govern for all details as to the extent
21 of the area proposed to be annexed.

22 ~~(d)~~

23 (4) State the terms and conditions of the annexation.

24 ~~(e)~~

25 (5) State that the holders of title to any of the land sought to be
26 annexed may file written protests with the secretary to the
27 annexation or the annexation upon ~~such~~ *those* terms and conditions.

28 ~~(f)~~

29 (6) Fix the time and place of a meeting at which the board will
30 receive written protests ~~theretofore~~ filed with the secretary, receive
31 additional written protests, and hear from any and all persons
32 interested in the annexation.

33 ~~The~~

34 (c) The text of the resolution proposing annexation shall be
35 published, pursuant to Section 6066 of the Government Code, prior
36 to the time of hearing in at least one newspaper printed and
37 published in the agency, if there is a newspaper published and
38 printed in the agency.

39 A

1 (d) A copy of the resolution proposing annexation shall also be
2 posted in three public places within the improvement district and
3 three public places in the area proposed to be annexed at least two
4 weeks prior to the hearing.

5 The

6 (e) *The* board shall proceed with the hearing at the time and
7 place fixed therefor and may continue the hearing, if need be, from
8 time to time. All interested persons ~~will~~ *shall* be heard at the
9 hearing.

10 If

11 (f) *If* written protests are filed by the holders of title of one-half
12 of the value of the territory proposed to be annexed as shown by
13 the last equalized assessment roll of each county in which the
14 territory is situated, further proceedings shall not be taken, and the
15 board shall refuse the annexation by a resolution so stating.

16 If

17 (g) *If* written protest is not made by the owners of one-half of
18 the value of the territory proposed to be annexed, and if, at the
19 conclusion of the hearing, the board finds and determines for the
20 evidence presented at the hearing that the area proposed to be
21 annexed to an improvement district will be benefited thereby, and
22 that the improvement district to which the area proposed to be
23 annexed will also be benefited thereby and will not be injured
24 thereby, the board may, by resolution, approve ~~such~~ *the* annexation.

25 The

26 (h) *The* resolution shall describe the territory annexed, which
27 may be by reference to a map on file with the secretary, which
28 map shall govern for all details as to the extent of the annexed
29 area. The resolution shall also state the terms and conditions of
30 annexation as ~~theretofore~~ determined by resolution of the board.

31 If

32 (i) *If* the board finds and determines that either the area proposed
33 to be annexed to the improvement district will not be benefited
34 thereby or that the improvement district to which the area is
35 proposed to be annexed will not be benefited thereby ~~and or~~ will
36 be injured thereby, the board shall by resolution disapprove ~~such~~
37 *the* annexation.

38 From

1 (j) From and after the date of the adoption of the resolution
2 approving the annexation, the area described therein is added to
3 and forms a part of the improvement district.

4 The

5 (k) The taxable property in the annexed area shall be subject to
6 taxation after the annexation thereof for the purposes of the
7 improvement district, including the payment of the principal of
8 and interest on bonds and other obligations of the improvement
9 district authorized and outstanding at the time of the annexation
10 as if the annexed property had always been a part of the
11 improvement district.

12 The

13 (l) The board may do all things necessary to enforce and make
14 effective the terms and conditions of annexation fixed by it.

15 Any

16 (m) Any action or proceeding ~~in which~~ *contesting, questioning,*
17 *or denying* the validity of an annexation to an improvement district
18 pursuant to this section ~~is contested, questioned, or denied~~ shall
19 be commenced within ~~three months~~ 30 days after the date of the
20 resolution of the board approving the annexation of the territory
21 to an improvement ~~district; otherwise, district, or~~ the annexation
22 shall be held valid and in every respect legal and incontestable.

23 SEC. 55. Section 53.1 of the Bighorn-Desert View Water
24 Agency Law (Chapter 1175 of the Statutes of 1969) is amended
25 and renumbered to read:

26 ~~Sec. 53.1.~~

27 Sec. 32.5. Notwithstanding the provisions of Section ~~53~~ 32, if
28 the petition for annexation of land to an improvement district
29 formed under Section ~~33~~ 26 is signed by all of the holders of title
30 of land in the portion proposed to be annexed, the board may
31 proceed and act thereon without notice and hearing, but shall
32 otherwise comply with the applicable provisions of this law.

33 SEC. 56. Section 53.2 of the Bighorn-Desert View Water
34 Agency Law (Chapter 1175 of the Statutes of 1969) is amended
35 and renumbered to read:

36 ~~Sec. 53.2.~~

37 Sec. 33. (a) Proceedings to exclude territory from an
38 improvement district, formed pursuant to Section ~~33~~ 26, may be
39 initiated by the board upon its own motion, or shall be initiated by
40 the board upon receipt of a petition for exclusion signed by not

1 less than 10 percent of the voters of the area proposed to be
2 excluded, ~~which states reasons such.~~ *The petition shall state*
3 *reasons that the exclusion will be beneficial to the agency or the*
4 *improvement district or the territory to be excluded.*

5 ~~Upon~~

6 (b) ~~Upon~~ adoption of ~~said~~ a motion to initiate exclusion
7 proceedings or upon receipt of ~~said~~ a petition for exclusion, the
8 board shall adopt a resolution of intention to exclude which shall
9 state *all of the following*:

10 (a)

11 (1) The method by which ~~said~~ the exclusion proceedings were
12 initiated; by motion of the board or by petition of voters.

13 (b)

14 (2) That taxes for carrying out the purpose of the improvement
15 district will not be levied upon taxable property in the excluded
16 territory following ~~such~~ the exclusion in the event ~~such~~ the territory
17 is excluded.

18 (c)

19 (3) That following ~~such~~ the exclusion, the taxable property in
20 the territory remaining in ~~said~~ the improvement district shall
21 continue to be levied upon and taxed to provide funds for the
22 purposes of ~~said~~ the improvement district.

23 ~~The resolution of intention to exclude shall also state that~~

24 (4) *That* a map showing the exterior boundaries of the proposed
25 territory to be excluded, with relation to the territory remaining in
26 ~~said~~ the improvement district, is on file with the secretary and is
27 available for inspection by any person or persons interested. *This*
28 *map shall govern for all details as to the extent of the proposed*
29 *exclusion.*

30 ~~This map shall govern for all details as to the extent of the~~
31 ~~proposed exclusion.~~

32 ~~The resolution of intention shall also state:~~

33 (a)

34 (5) The time and place for a hearing by the board on the
35 questions of the proposed exclusion and the effect of ~~such~~ the
36 exclusion upon the agency, the improvement district and the
37 territory to be excluded.

38 (b)

1 (6) That at ~~such~~ *that* time and place any person interested,
2 including all persons owning property in the agency or in the
3 improvement district, will be heard.

4 ~~Notice~~

5 (c) *Notice* of the hearing shall be given by publishing a copy of
6 the resolution of intention to exclude, pursuant to Section 6066 of
7 the Government Code, prior to the time fixed for the hearing in a
8 newspaper circulated in the agency, if there is a newspaper printed
9 and published in the agency. ~~Such~~ *This* notice shall also be given
10 by posting a copy of the resolution of intention to exclude in three
11 public places within the affected improvement district for at least
12 two weeks before the time fixed for the hearing.

13 ~~At~~

14 (d) *At* the time and place ~~so~~ fixed in the resolution of intention
15 to exclude, or at any time or place to which the hearing is
16 adjourned, the board shall proceed with the hearing. At the hearing
17 any person interested, including any person owning property in
18 the agency, or in the improvement district may appear and present
19 any matters material to the questions set forth in the resolution of
20 intention to exclude.

21 ~~At~~

22 (e) *At* the conclusion of the hearing, the board shall by resolution
23 determine whether it is necessary or desirable to exclude ~~said~~ *the*
24 territory. If so, the resolution shall also state *both of the following*:

25 ~~(a)~~

26 (1) The reasons why ~~such~~ *the* exclusion is necessary or desirable.

27 ~~(b)~~

28 (2) That the exterior boundaries of the improvement district
29 following ~~such~~ *the* exclusion are set forth on a map on file with
30 the secretary, which map shall govern all details as to the extent
31 of ~~said, then existing,~~ *the resulting* improvement district.

32 ~~The~~

33 (f) *The* determinations made in the resolution of exclusion shall
34 be final and conclusive.

35 ~~After~~

36 (g) *After* the exclusion of territory from the improvement district
37 pursuant to this section, all taxes levied for the carrying out of ~~said~~
38 *the* improvement district's purpose shall be levied exclusively
39 upon the taxable property in the improvement district as then
40 constituted.

1 **A**

2 (h) A copy of the resolution of exclusion shall be published
3 pursuant to Section 6066 of the Government Code in a newspaper
4 printed and published in the agency, if there is a newspaper printed
5 and published in the agency. A copy of the resolution shall also
6 be posted in three public places within the improvement district
7 for at least two weeks.

8 **The**

9 (i) The resolution of exclusion shall not be effective until the
10 31st day after completion of the publication and posting.

11 **Any**

12 (j) ~~Any action or proceeding in which contesting, questioning,~~
13 ~~or denying the validity of the exclusion of territory from the~~
14 ~~improvement district or of any of the proceedings in relation thereto~~
15 ~~is contested, questioned, or denied shall be commenced within~~
16 ~~three months 30 days from the effective date of the resolution of~~
17 ~~exclusion; otherwise, exclusion, or the exclusion and all~~
18 ~~proceedings in relation thereto shall be held to be valid and in~~
19 ~~every respect legal and incontestable.~~

20 *SEC. 57. Section 54 of the Bighorn-Desert View Water Agency*
21 *Law (Chapter 1175 of the Statutes of 1969) is amended and*
22 *renumbered to read:*

23 ~~Sec. 54.~~

24 *Sec. 34. (a) Notwithstanding any other provision herein,*
25 *whenever the board deems it necessary for any improvement*
26 *district formed pursuant to this act to be dissolved, it shall by*
27 *resolution declare its intention to dissolve the improvement district.*

28 **As**

29 (b) As used in this act, “improvement district” includes an
30 uninhabited improvement district formed pursuant to Section-52
31 31.

32 (c) The resolution of intention shall state:

33 ~~(a)~~

34 (1) The reason why the improvement district should be
35 dissolved.

36 ~~(b) If the improvement district was formed pursuant to Section~~
37 ~~29 or Section 52 of this act, that~~

38 (2) ~~That no bonds have bond, indebtedness, or liability has been~~
39 ~~issued or incurred for the improvement district or are that remains~~
40 ~~outstanding.~~

1 ~~(e) If the improvement district was formed pursuant to Section~~
2 ~~33 of this act, that no indebtedness or liability was incurred for the~~
3 ~~improvement district or is outstanding.~~

4 ~~(d)~~

5 (3) That a map showing the exterior boundaries of the
6 improvement district, with relation to the territory immediately
7 contiguous thereto, is on file with the secretary and is available
8 for inspection by any person or persons interested.

9 ~~(e)~~

10 (4) The time and place for a hearing by the board on the question
11 of the dissolution of the improvement district.

12 ~~(f)~~

13 (5) That at ~~such~~ *that* time and place *for the hearing* any person
14 interested, including all persons owning property in the agency or
15 in the improvement district will be heard.

16 Notice

17 (d) Notice of the hearing shall be given by publishing a copy of
18 the resolution, pursuant to Section 6066 of the Government Code,
19 prior to the time fixed for the hearing in a newspaper circulated in
20 the agency, if there is a newspaper circulated in the agency. ~~Such~~
21 *This* notice shall also be given by posting a copy of the resolution
22 in three public places within the improvement district for at least
23 two weeks before the time fixed for the hearing.

24 At

25 (e) At the time and place fixed in the resolution of intention,
26 or at any time or place to which the hearing is adjourned, the board
27 shall proceed with the hearing. At the hearing any person interested,
28 including all persons owning property in the agency, or in the
29 improvement district, may appear and present any matters material
30 to the proposed dissolution.

31 At

32 (f) At the conclusion of the hearing the board shall, by ~~ordinance~~
33 *resolution*, determine whether it is necessary to dissolve the
34 improvement district. If so, the ~~ordinance~~ *resolution* shall state
35 that the exterior boundaries of the improvement district are set
36 forth on a map on file with the secretary and shall declare the
37 improvement district dissolved. The determinations made in the
38 ~~ordinance~~ *resolution* shall be final and conclusive.

39 When

1 (g) ~~When the ordinance resolution~~ declaring an improvement
2 district dissolved becomes effective, the dissolution of ~~such the~~
3 improvement district is complete.

4 ~~The~~

5 (h) *The* taxable property within the boundaries of the dissolved
6 improvement district shall continue to be taxed for any
7 indebtedness of the agency contracted for ~~such the~~ dissolved
8 improvement district until the indebtedness has been satisfied, to
9 the same extent that ~~such the~~ property would be taxable for ~~such~~
10 *that* purpose if the dissolution had not occurred.

11 ~~Any~~

12 (i) *Any* action or proceeding ~~in which~~ *contesting, questioning,*
13 *or denying* the validity of the dissolution of an improvement
14 district, or of any of the proceedings in relation thereto, ~~is~~
15 ~~contested, questioned, or denied~~ shall be commenced within ~~three~~
16 ~~months~~ *30 days* from the effective date of the ~~ordinance resolution~~
17 dissolving the improvement district; ~~otherwise,, or~~ the dissolution
18 of the improvement district and, all proceedings in relation thereto,
19 shall be held to be valid and in every respect legal and
20 incontestable.

21 ~~After~~

22 (j) *After* a bond election has been held in an improvement district
23 ~~formed pursuant to Section 29 of this law~~ and less than two-thirds
24 of the votes cast in ~~such the~~ election were in favor of the measure,
25 the board may within one year of the date of ~~such that~~ election,
26 call and hold another election ~~as provided in Sections 28 and 29~~
27 ~~of this law~~ for the purpose of resubmitting ~~said the~~ measure to the
28 electors of ~~said the~~ improvement district. If ~~said the~~ measure is
29 not so resubmitted ~~said, the~~ improvement district, on the
30 anniversary date of the election, is dissolved without further action
31 by the board. If ~~said the~~ measure is resubmitted and fails to receive
32 more than two-thirds of the votes cast in ~~such the~~ election in favor
33 of ~~said the~~ measure ~~said, the~~ improvement district is dissolved
34 following the canvass of the election returns.

35 SECTION 1. ~~Section 33305 of the Water Code is amended to~~
36 ~~read:~~

37 33305. (a) ~~The consolidated successor district shall separately~~
38 ~~account for and use funds derived from the operation of the Desert~~
39 ~~View Water District and the Bighorn Mountains Water Agency~~
40 ~~for the purpose of bond debt service for each of the former systems.~~

- 1 ~~(b) Nothing in this part shall be construed to impair any contract~~
2 ~~entered into prior to January 1, 2014.~~

O